HARPER'S WEEKLY.
A JOURNAL OF CIVILIZATION.

VOL. XIX.—No. 951.] NEW YORK, SATURDAY, MARCH 20, 1875. [WITH A SUPPLEMENT. PRICE TEN CENTS.

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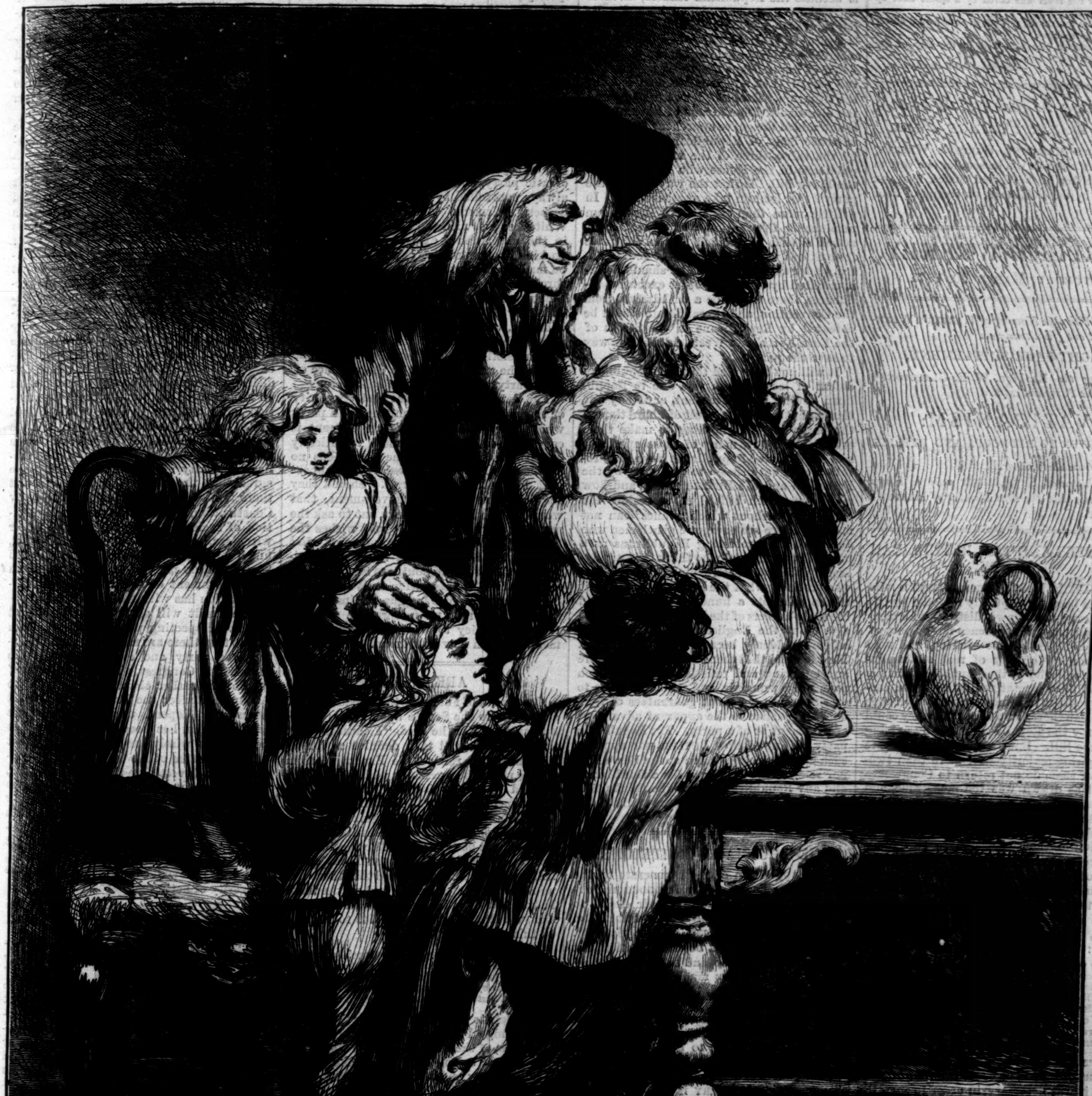

RENÉ LEBLANC, NOTARY PUBLIC OF GRAND-PRÉ.—FROM THE PAINTING BY SIR JOHN GILBERT.—[SEE NEXT PAGE.]

RENÉ LEBLANC.

[See Illustration on First Page.]

"BENT like a lab'ring oar that toils in the surf of the ocean,
Bent, but not broken, by age, was the form of the notary public;
Shocks of yellow hair, like the silken floss of the maize, hung
Over his shoulders.

* * * * * * * *

Father of twenty children was he, and more than a hundred
Children's children rode on his knee, and heard his great watch tick.

* * * * * * * *

He was beloved by all, but most of all by the children;
For he told them tales of the Loup-garou in the forest,
And of the goblin that came in the night to water the horses,
And of the white Létiche, the ghost of a child who unchristened
Died, and was doomed to haunt unseen the chambers of children;
And how on Christmas-eve the oxen talked in the stable,
And how the fever was cured by a spider shut up in a nutshell,
And of the marvelous powers of four-leaved clover and horseshoes,
With whatever else was writ in the lore of the village."

—LONGFELLOW'S *Evangeline.*

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HARPER'S WEEKLY.

SATURDAY, MARCH 20, 1875.

☞ *With this Number of* HARPER'S WEEKLY *is sent out gratuitously an*

EIGHT-PAGE SUPPLEMENT,

containing the Rt. Hon. W. E. GLADSTONE'S *remarkable Pamphlet entitled*

VATICANISM:

AN ANSWER TO REPROOFS AND REPLIES,

printed from early sheets.

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CONGRESS AND THE REPUBLICAN PARTY.

UNDER the lead of General BUTLER, who has been peremptorily rejected by the Republicans of his own district, who commands neither the confidence nor respect of the Republicans of the country, and who has shown no quality of real statesmanship, the majority of the Republicans in the House of Representatives, against the earnest opposition of almost every conspicuous Republican there, have done what they could to destroy the Republican party by passing the Force Bill. But even for this desperate and expiring majority—for more than two-thirds of them do not return to Congress—the bill as drawn was too monstrous, and they restricted the suspension of the *habeas corpus* to the States of Louisiana, Arkansas, Mississippi, and Alabama, and limited the operation of the suspension to two years. The pretense that the act is necessary for the protection of the negro voter is a pretense merely. On the morning of the day when the vote was to be taken, the Washington *Republican*, the organ of the White House, published in large capitals these words:

> "The passage of the bill is required to preserve to the Republican party the electoral votes of the Southern States. Remember that if the Democrats carry all the Southern States, as they will if the White League usurpation in some of them is not suppressed, it will require only fifty Democratic electoral votes from the Northern States to elect a Democratic President. This is a liberal estimate."

Thus the bill was urged not because it was just, or wise, or constitutional, but because it was necessary, in order to save the Republican party at the next election, that the President should have the power—for such was the provision when this passage was written—to imprison any man in Maine or Oregon at his personal pleasure, and without appeal or inquiry. And the Philadelphia *Press*, published in the city where the Declaration of Independence was adopted, actually said, "The great powers which it creates, dangerous as they seem, can, we believe, be safely intrusted to the President." That is new doctrine for the English-speaking race. Its struggle for centuries has been to restrict the exercise of those powers to the most extraordinary emergencies and to time of war, and then to guard them in the most jealous manner. Our own Constitution, the work of men bred in hatred of arbitrary power, declares, emphatically, "The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it." But this bill authorized the suspension of the great guarantee of personal liberty when two men in a State combined against a constable or a liquor law. How the country would have rung twenty years ago if the antislavery opposition to the Fugitive Slave Bill had been made constructive invasion or rebellion, as Douglas sought to make it, and a slave-driving Democratic Congress had authorized the suspension of the writ!

This wanton trifling with the vital security of liberty was urged as necessary to save the Republican party. But we had thought the Republican party was worthy of salvation because it was the party of liberty. The only way in which a party can show that worth is by cherishing the institutions which defend freedom. And it is because the Republican leaders, in their hot zeal for party ascendency, have forgotten the very end for which that ascendency is desirable, that the party has been every where defeated by the inaction or open opposition of Republicans themselves. To save the party! Let any sensible man look at the situation. To the Democratic party and the dissatisfied Republicans of last autumn is now added the grave apprehension of that immense body of Republicans represented by the thirty-three of the most noted Republicans in the House who voted against the Force Bill. Is that the way to save the party? Or let him take another view. In a little more than a year the Republican nominating Convention will meet. If its action should be decided by the delegates from States which the President could control under such a bill, or if he should be renominated by these and other executive influences, there would be a withdrawal from the Convention, and its candidate would be defeated by Republicans in the States of the East, North, and West. Is that the way to save the party?

It will not be denied that the Republican defeat of last autumn was due to Republican apathy and discontent, or if any one thinks that it was the result of "hard times," the party has done nothing to make them easier. Now how many of those apathetic and discontented Republicans have been recalled with enthusiasm to the party by the Force Bill and the BUTLER policy, and how much have such bills done to restore the confidence without which "times" can not mend? There are energetic gentlemen who denounce the protesting Republicans as a pack of cowards, and who think that a "vigorous" policy will soon whip them in. That was precisely what the Englishmen thought of the colonists a hundred years ago, and the slave-holders of the Yankees fifteen years ago. But the Englishmen and the slave-holders suddenly became very much wiser. They learned that there is no courage so sure and enduring and resistless as that which rests upon principle, and which declines to sacrifice the permanent guarantees of freedom and justice to the apparent advantage of a moment or of a party. The Republican party will not follow BUTLER, nor approve such monstrous legislation as the Force Bill, nor re-elect the President for a third term; and any Republican leader who thinks that it will, wholly misconceives the spirit of the party.

THE LOUISIANA COMPROMISE.

THE opposition of the Democrats to the resolution recognizing Mr. KELLOGG as Governor of Louisiana shows their desire to keep open the difficulties in that State. The resolution does not declare that Mr. KELLOGG was elected beyond question, but that, upon the whole, and as the election of M'ENERY is quite as much tainted with irregularity and fraud, the person who has held the office for two years, and whom the President has recognized, shall be declared Governor *de facto*. Whatever we may have thought, there seems to be no alternative. To order a new election raises constitutional and practical questions not easy to settle. To recognize M'ENERY is to overturn the existing order without any more reason than that order offers for itself. To do nothing is to prolong the evident mischief of uncertainty. To abandon the State to violent revolution is a violation of plain duty. To recognize Mr. KELLOGG and to condemn the Board of Registration is apparently the only practicable course.

The weightiest reason for adopting it is that it is the substance of the WHEELER compromise, which has been approved by a majority of the caucus of M'ENERY'S partisans. This fact should be conclusive with all good citizens, even if they have doubted whether, under any circumstances, the KELLOGG Administration should be acknowledged. It is this approval also which makes the Democratic action in the House more significant. That action was determined by the protesting White League minority of the caucus. Thus once more the Democratic party in the Northern States, by the virtually unanimous action of its representatives in Congress, shows all its old servility to the extreme fire-eating Southern sentiment. And this is the point which all intelligent men should ponder. It is not Governor TILDEN, and such Democrats as Mr. THOMPSON, who succeeds General BUTLER, who represent the spirit and tendency of the Democratic party. It is the White League, and gentlemen like Mr. JOHN YOUNG BROWN, who show what may be expected of Democratic ascendency. It was not the Girondists, the mild, honorable, judicious men of the French Revolution, who controlled it, but ROBESPIERRE, DANTON, and MARAT.

This country has seen something of the Democratic party, when its cabinet in the White House was a nest of traitorous conspiracy; when its ex-President, PIERCE, wrote that the blood of the war would flow in Northern streets; when its Mayor of New York, FERNANDO WOOD, tried to smuggle arms to rebels; when its Governor of New York, HORATIO SEYMOUR, in the midst of war, denounced the Administration, and warned it that the doctrine of public necessity could be proclaimed by a mob as well as by a government—a direct incitement, under the circumstances, of the mob that nine days afterward ravaged the city: the country, we say, has seen something of the Democratic party, and knows that it has been always controlled by its most reckless and desperate element. And now it is with the White League, with the determination that in the unfortunate exigency in Louisiana no kind of compromise or settlement shall be made save that of a revolutionary overthrow of the existing authorities, that the Democrats in the House ally themselves. This they do when they are upon their good behavior, when their policy is to play the part of Christian conciliation. The tendency is irresistible; and when they control the House, the same servility to the violence of their party will betray itself still more.

The danger to the repose and prosperity of the country in the ascendency of a party whose most vital and resolute element is composed of those who most relentlessly hate the settlements of the war needs no emphasis. It is not necessary to suppose that they will take up arms. Should they acquire control of the government, that would be needless. We have but to ask the man of any party who sincerely wishes the honest observance of the amendments what he thinks the condition of the colored citizens would be in the Southern States with a Democratic Administration in Washington, coerced by the White League sentiment that rejects the WHEELER compromise and dictates the policy to which the Democratic members even now bow down.

ARKANSAS.

ON the 8th of February the President sent a message to the Senate upon affairs in Arkansas, in which he said, "I earnestly ask that Congress will take definite action in the matter to relieve the Executive from acting upon the questions which should be decided by the legislative branch of the government." He was himself of opinion that BROOKS should be recognized as Governor, and that the new Constitution of the State should be set aside. The special committee, of which Judge POLAND was chairman, simultaneously reported that there was no reason for interference, and on the 2d of March, two days before the end of the session, the House, by a vote of 149 to 80, passed this resolution:

> "*Resolved*, That the report of the special committee on Arkansas be accepted, and, in the judgment of this House, no interference with the existing government in that State by any department of the government of the United States is advisable."

The debate was remarkable for the speeches of Judge POLAND and of Mr. HENRY J. SCUDDER, of the First District of New York, which were so cogent, forcible, and conclusive that they undoubtedly decided the vote of the House, which is the most signal and the most unusual triumph of a speech.

The speeches of both gentlemen will cause very great regret that neither of them returns to Congress. Judge POLAND was defeated by the "Press-gag" Bill, as it was called, although the report of the most eminent Senators of both parties declares that it is not a gag; and Mr. SCUDDER, for private reasons, declined a renomination. Yet he is the type of man that the country and the Republican party need in Congress: of perfect integrity, modest, sagacious, firm, able, independent; and in voting against the Force Bill and against interference in Arkansas he undoubtedly represented the views and wishes of the great majority of his constituents. The retirement of a man like Mr. SCUDDER is a national loss. Judge POLAND also leaves Congress with very general respect, and his last act in the House was a great service to the Republican party and to the country. Had all the Republicans who sympathized with his view of the tendency of affairs shown throughout the session the same firmness and independence which he showed upon the Arkansas question, the session would have been very much more serviceable to the country.

The action of the House settles one very important point, and with more authority than has yet appeared. It gives the assent of Congress to the doctrine, which has, indeed, been confirmed by practice, that the Legislature of a State may call a Convention to amend or remodel the Constitution, except when it has been expressly prohibited from doing so by the Constitution itself. It need not follow a merely permissive provision for amendment. The argument against the GARLAND government in Arkansas was that it was elected under a Constitution that was invalid because of the illegality of the Convention that adopted it. There was some ground for this argument, but it has now been conclusively and justly decided that it can not stand against the peaceful expression of the popular will in a manner not forbidden by the fundamental law, and upon the invitation of the Legislature.

One other good result of this action is the prevention of the mischiefs that would inevitably follow national interference with a State at peace, and neither invaded nor in rebellion. In his message the President asks, what is to prevent any reconstructed State from changing its Constitution in the same manner, and violating the conditions upon which it was re-admitted to the Union? The answer is that the principle undoubtedly applies to every State, and may be put in practice by any State. Indeed, the people of Maryland are now living under a Constitution adopted in disregard of the constitutional provision designating the only manner in which amendments should be made. But the results have not been mischievous. As for the violation of the conditions of restoration to the Union, it must be remembered that every State Constitution must conform to that of the United States at the peril of the State, and the essential principles of reconstruction are embodied in the Constitution. The Republican majority of the Arkansas committee agree that the State is orderly, and that there is a general acquiescence in the new Constitution, which is proved by the condition of society. There could be no better witnesses, and Judge POLAND declared that, under existing circumstances, the United States had no more right to interfere with the government of Arkansas than one foreign nation has with that of another.

The result will show to the intelligent and law-respecting people in the Southern States that there are men enough in the Republican party, and even among the late majority in Congress, who seek the ends of patriotism rather than of party. In the Arkansas matter the President, who must necessarily depend upon representations made to him, has been ill advised, and he could more wisely have heeded the report of a committee of his own friends, sent especially to investigate the actual situation, than the counsels of men who have the strongest personal and partisan reasons for the view that they urge upon him. It is not often that an Administration House differs so decidedly from the President. But as he requested, it has taken definite action, and has relieved the Executive from the necessity of acting.

C. B. AND Q.

THE late election of the Chicago, Burlington, and Quincy Railroad Company had very much more than the usual significance of such events, for it was the most emphatic censure of a system of railroad management which, if not absolutely dishonest, is certainly loose to the very verge of dishonesty. There has been a great deal of money invested in Western railroad stocks and bonds, and a very great deal of money is to-day locked up in them fast and close, returning no dividends to the holders. This property is not owned by rich men and speculators only, in whose misfortunes the public has no very lively interest, but in large part by persons of very small means; and the "passing of dividends" means to them dismay, poverty, and suffering. This has now gone so far that there is a wide and general distrust of Western railroad investments because of Western railroad management. Nor is this surprising if, as we read in the Boston *Advertiser*, the total amount of American railroad bonds in default during the year 1874 exceeded five hundred and sixty millions of dollars.

Among Western railroads none has had a higher reputation than the famous C. B. and Q. But it has been for some time so implicated and complicated with other roads and enterprises and speculations as to excite great apprehension, until, just before the late election, Mr. JOHN M. FORBES, of Boston, whose personal character and interest in the road have been one of its strongest bulwarks in the confidence of New England, together with Mr. J. N. A. GRISWOLD, both of them directors, issued a card to the stockholders, making what they called "a square issue." They told the stockholders that if they approved the system of management under which the officers and directors connected themselves with construction companies for building branch roads, and the funds of the company were mixed with those of other companies, the signers of the card could be of no service in the direction. They stated frankly that the situation was due chiefly to Mr. JOY, their associate, to whom they try not to attribute any wrong motive, and they proposed as an adequate remedy—which, in fact, was a revolution—the retirement of Mr. JOY and two of his associates.

Mr. JOY'S method of managing the road by combining it with all kinds of experiments was happily illustrated some time ago by Mr. FORBES in a little story of his own experience. As Mr. JOY brought on branches and parallel roads and feeders of all kinds, not to say "suckers," Mr. FORBES, instead of voting aye to a new "sucker" one day in a full meeting of the board, "rose to explain" why he voted no. He said that to protect the birds on his island of Naushon, where the cats ran wild in the woods, he put a premium on cats—so much money for every cat-tail. But the cats throve wonderfully and increased beyond all reason, notwithstanding the price set upon their tails; and at last Mr. FORBES discovered that his enterprising neighbors were breeding cats for his market! The apt story killed the particular cat that Mr. JOY offered that day, but unhappily it did not smother the enormous animal, the Dubuque road, which he subsequently fatted, and which has eaten up so many widows' houses.

The stockholders responded most warmly to the appeal of Messrs. FORBES and GRISWOLD, and Mr. JOY will breed no more cats for the C. B. and Q. market. The election resulted in his defeat by a very decisive majority, and the directors will no longer enter into construction companies to build their own branch roads. The frankness and firmness and clearness with which men who are known and trusted raised the issue, and the hearty approval of the stockholders, are phenomena which in these days of railroad mismanagement are very pleasant to contemplate. They serve to show that, in a very intelligible sense, honesty is the best policy.

THE CIVIL RIGHTS BILL.

THE President has signed the Civil Rights Bill, and it is now a law. It is the bill which was reported to the House by the Judiciary Committee, and from which the school section was stricken out. As it stands, therefore, the bill recognizes and indirectly authorizes the very prejudice against which it is supposed to be directed. General BUTLER in supporting the Force Bill appealed to members to consider how they would feel when they heard the shriek of the widow and orphan fleeing from the Ku-Klux. And how does General BUTLER feel now that he has pandered to that very hatred of the Ku-Klux by authorizing it to recognize caste in the common schools? If Congress is willing that colored children should be separated in the schools, why is it unwilling that colored parents should be separated in hotels and cars?

The principle of the bill is that in all public institutions, conveyances, and conveniences which exist in virtue of the law there shall be no discrimination on account of color. If the principle is correct—and of that there can be no question in a country where the Constitution expressly asserts the civil equality of all citizens—the inequality of application is absurd. If the equality fails to be enforced in the school, it is obstructed in the inn; and to say that half a loaf is better than no bread, upon the theory that the prejudice is stronger in the school than in the inn, is again absurd, because precisely the same arguments were urged against the emasculated bill as against its original form; and as it was said that equality in the schools would destroy the school system, so it is said that equality in the hotels will ruin them. The plea is as valid in one case as the other, and, as we believe, baseless in both. But if not baseless, if the enforcement of equality before the law of all citizens of the United States be fatal to the public-school system in a large part of the country, the system which is one of the chief securities of free government, what shall be said of the policy that asserted and asserts that equality? General BUTLER and the Judiciary Committee, in striking the school section out of the bill, struck at the principle of the whole Republican policy of reconstruction.

In the Senate Mr. CARPENTER made a brief and ingenious speech, alleging the unconstitutionality of the bill. He quoted the decision of the Supreme Court to the effect that the distinction between citizens of the United States and of the States is clearly established by the Fourteenth Amendment, and that the rights which belong to a man as a citizen of the United States are protected by it, but not those which belong to him as a citizen of the State. Now, asks Mr. CARPENTER, when he applies for accommodation at a hotel or for a ticket at a theatre, is he exercising a right which belongs to him as a citizen of the State or of the United States? So in regard to the jury. Is it not a matter wholly subject to State control, and can Congress properly decide who shall be eligible to serve on juries in the States? If it is a right pertaining to the citizen of the United States, then such a citizen residing in California would be eligible as a juryman in Massachusetts. This is not contended. But if the right is a State right, the amendment does not protect it, for it merely forbids the abridgment of the privileges and immunities of citizens of the United States. In two well-considered decisions, he says, the Supreme Court has settled the principle which invalidates this bill, and consequently the bill is only a pretense, keeping a promise to the colored man's ear and breaking it to his hope.

Mr. CARPENTER'S argument is ingenious; but the scope of the amendment is obvious, and was plainly shown by Mr. EDMUNDS in closing the debate. The amendment provides that the common rights of citizens of the United States, in whatever State they may reside, shall not be violated on account of color, just as they may not be outraged on account of religious faith. The Constitution does not say, for instance, that individual Roman Catholics shall or shall not be drawn upon juries in any State; but if any State should disqualify all Roman Catholics, or all Methodists, or all Presbyterians, as such, from sitting on juries, we should probably hear from the Constitution. If Mr. CARPENTER is correct, and the amendments intended to secure all citizens of the United States from legal discriminations on account of color fail to express their intention, the blunder is unprecedented.

VATICANISM:

AN ANSWER TO REPROOFS AND REPLIES.

MR. GLADSTONE has replied to his numerous assailants in a pamphlet stronger, more earnest and animated, even than his first, and has shown with logical brilliancy the singular errors of MANNING and NEWMAN in history, theory, or fact. The ultramontane champions seem to have written with minds clouded by an unnatural haze, and have fallen into such extraordinary inaccuracies of statement as in a less spiritual atmosphere might have deserved a stronger name. Mr. GLADSTONE assails them with the graceful energy of the first debater of his country, if not of his time, delicately pierces the rusty joints of their mediæval armor, turns aside with Homeric courtesy from the Parthian or timid flight of the gentler NEWMAN, and aims unsparing blows at the brazen visor of the dauntless MANNING.

Dr. MANNING declared that the doctrine of infallibility had always been held by the whole Papal Church. Mr. GLADSTONE shows that the English and Irish Roman Catholic clergy have frequently taken a public oath and made declaration that the doctrine of infallibility was not a part of the Catholic faith, and that upon this ground alone their political disabilities were removed. In general history he is equally successful. He indicates that the popes have for eight centuries claimed the right to depose princes, to overthrow hostile civil governments, to be the supreme rulers of men, and that these pretensions have always been successfully resisted by nearly the whole body of the Roman Catholic Church out of Italy, until, by a fatal intrigue in 1870, the Jesuits grasped the control of the Pope and Council. He intimates that, under the aggressive influence of an ultramontane policy, the papacy has become a menace to the peace of civilized society, and the instigator of discord and disorder in all Christian lands.

Those who desire to form a clear and accurate view of the latest phase of the contest between modern civilization and Vaticanism and political Romanism may well study Mr. GLADSTONE'S pamphlet. For the question it treats of is one that is of intense and lasting interest to the people of Europe and America. If Vaticanism conquer, Spain, Italy, France, and finally Germany will sink back into barbarism, the sword of France will be sharpened against all heretics and reformers, and Austria and Bavaria must again betray the cause of German unity. If Vaticanism triumph, knowledge must every where perish, and humanity and freedom die together. Mr. GLADSTONE, therefore, has done no common service to civilization in piercing the daring fictions of the ultramontanes with the keenest weapons of literature and brilliant logic, and showing how wholly untrustworthy are the confident statements of their most noted leaders. When MANNING, CAPEL, and NEWMAN unite in denying the plain facts of history, but little sense of truthfulness can be left to the obedient throng of their followers; under their guidance the morals, ignorance, barbarity of the darkest ages must every where attend the prevalence of political Romanism. EUGENE LAWRENCE.

PERSONAL.

THE Rev. Dr. S. I. PRIME was one of the speakers at the annual dinner of the alumni of Williams College, held a few evenings since at DELMONICO'S. In one of those bright speeches he always makes on such occasions he said: "A few years ago I went away in search of the ends of the world. I found a Williams man, JONES KING, in the seat of PLATO, in Athens; another was shining in Constantinople; and my classmate CALHOUN was at the head of a seminary on Mount Lebanon, and another was by the sea in Sidon. And they beckoned to me from India and China and Ceylon and the islands in mid-ocean, where my classmate SEWELL SMITH has gathered three thousand souls into one fold."

—Ex-Governor SEYMOUR'S name was in all the papers a few days ago as having met with a horrible accident. Last week, being in Albany, he alluded to it pleasantly by saying, "Oh, it wasn't as bad as the newspapers made it out. Perhaps, in justice to the press, I ought to wear goggles."

—Mr. CHARLES NORDHOFF'S excellent and popular *Politics for Young Americans*, published a few months since by HARPER & BROTHERS, has recently been adopted as a text-book in several important schools and academies. Its clear method, apt style of application and illustration, and its sound teachings make it an admirable work for this purpose. Some of our most distinguished authorities on political and social economy have given it their warmest approval, and do not hesitate to say that an intelligent boy or girl, and, for that matter, many a man who has passed his life in the study of politics, may learn more from this little treatise than from the more ambitious works that are generally accepted as authorities on these subjects.

—The New Orleans correspondent of the New York *Times* gives several incidents to illustrate the social ostracism practiced toward Northern people in the chief city of Louisiana. A well-known citizen of Brooklyn, passing the winter at a hotel in New Orleans, was at first well received in Southern circles; but his daughters having attended a ball given by the United States officers, a "leader of society" notified him that if his daughters "attended balls given by the officers and visited by the wives of thieving Radicals," they could not expect to be received in the homes of Southern families. It is added that the young ladies have not taken their exclusion very much to heart. A story is also given of a Louisiana belle who was prevailed upon to attend a "Yankee officers'" ball with a young and handsome captain of the army. All went well until the young lady found herself in the same set with General SHERIDAN, and announced in an audible whisper that no native of Louisiana could dance with that man. Her partner led her to a seat, as he did so saying, in a very polite but determined tone, "I am exceedingly sorry, miss, but if you will not dance with General SHERIDAN, it will be impossible for you to dance with me." The belle and her mother soon afterward left the room.

—An ardent old war-horse of Missouri came into the town of Brunswick, in that State, on the day that news was received there of the election of ANDREW JOHNSON to the United States Senate. So completely did it swell out the measure of his joy that he said to his wife, "Here, *E*-LIZA, drive back home, and don't look for me 'fore Saturday night. I'm going to celebrate. Justice has been done at last. The good old time is returnin'. ANDY JOHNSON has been elected again. Hoop! hooray! I'm on it bigger'n a terbacker factory."

—Mr. EDWARD FLOYD DE LANCEY (son of the late Bishop WILLIAM HEATHCOTE DE LANCEY), president of the Westchester County Historical Society, stated at a meeting of the society held a few days since at Yonkers that the Historical Society of New York had expressed a willingness to convey to the Westchester society the burial-plot of THOMAS PAINE, near New Rochelle. The matter is under consideration.

—Alas! the rush of life and the rapidity with which the great men of to-day sink entirely from public view, almost from public recollection. Only a few years since, in the famous Sprague House, so long the abode of Chief Justice CHASE, what reunions and fêtes it saw. SUMNER, STANTON, SEWARD, LINCOLN, and CHASE used there to dine and discourse on affairs of state. Thither SUMNER hastened to tell CHASE of his appointment to be Chief Justice. His exquisite daughter, made of "spirit, fire, and dew," if ever woman was, poured coffee at the head of the table, listening in silence. But when SUMNER arose to depart, she followed him out into the hall to the front-door; then lifting her hand, and shaking her slender finger close to his face, she exclaimed, "You have sold papa; I know it!" "Never," said Mr. SUMNER, "shall I forget the flame in her face, the tone of her voice, or the gesture of that finger, as she uttered those words."

—Hon. DAVID A. SMALLEY, for eighteen years United States District Judge of Vermont, will shortly retire from that position. His health has been impaired on account of constant application to judicial duty, and Congress has recognized the service by passing a special act retiring him with full pay. Judge SMALLEY was one of the men who were chiefly instrumental in effecting the nomination of FRANKLIN PIERCE for the Presidency. For that service, added to his conceded ability and high personal position, he was elevated to the Federal judiciary. His course on the bench has been marked by those qualities and attributes which redound to the honor of the occupant, and command the respect of men of intelligence and integrity.

—The funeral of the late Congressman HOOPER was conducted with a modesty and good taste in strong contrast with the extravagance and bad taste of ordinary Congressional funerals. The scarf and glove business and black muslin bands floating from the poor hats of shabbily attired hack-men were dispensed with. Hitherto it has cost from $2500 to $3000 to bury an M. C. At the commencement of the present century there was another class of funeral expenditures, unknown in this degenerate age, for supplies of creature comforts to the mourning colleagues of the deceased. Among the items of the accounts presented for the funeral expenses of Hon. FRANCIS MALBONE, a Senator from Rhode Island, who died in June, 1809, and whose remains were interred in the Congressional burial-ground, are the following:

16 pounds crackers	$3 00
11¼ pounds cheese at 25 cents	2 81

The committee to audit the contingent expenses of the Senate directed that payment be made for the crackers, but rejected the claim for the cheese. The next voucher presented to them for their approval read thus:

7 gallons best Madeira wine	$28 00
4 gallons Cognac brandy	8 00
12 pounds almonds at 40 cents	4 80
10 pounds raisins at 50 cents	5 00

Of this account the committee would only allow "for four gallons wine and three quarts brandy, $22," but they passed another voucher for "fourteen pounds of pound-cake, $7," purchased from Monsieur JULIEN, a confectioner, who also supplied "twelve pounds crackers at $1 50."

DOMESTIC INTELLIGENCE.

THE House Civil Rights Bill was passed by the Senate February 27, and signed by the President March 1. The vote on its passage was 38 yeas and 26 nays, Senators Carpenter, Ferry of Connecticut, Hamilton of Texas, Lewis, Schurz, Sprague, and Tipton voting in the negative.—The Force Bill passed the House February 27, after a long debate, which lasted till midnight. An important amendment was made to the thirteenth section, in reference to the suspension of the *habeas corpus*, limiting its operation to the four States of Louisiana, Arkansas, Mississippi, and Alabama; and a fourteenth section was added, limiting the operation of the thirteenth to two years after the passage of the bill, and to the end of the then next session of Congress. The vote was 135 to 114.—The Tariff Bill was tabled in the Senate on the 1st inst., after twelve hours' discussion, by a vote of 30 to 29. The next day it was brought up, and passed just as it came from the House.—The Louisiana Compromise was passed by the House on the 1st. Two resolutions recommended by the committee were adopted separately, one recommending the State House of Representatives to remedy the injustice done in the exclusion from that body of persons entitled to seats in it, and the other recognizing Mr. Kellogg as Governor till the end of his term. The first resolution was passed unanimously, and the second by 163 to 89.—The House, on the 2d, by a unanimous vote, rescinded the resolution of censure passed in 1862 upon Simon Cameron for alleged official misconduct while Secretary of War.—The Sundry Civil Appropriation Bill passed the Senate on the 3d, with a number of amendments.—The Arkansas difficulty was passed upon by the House on the 2d. The minority resolution proposing to reinstate Brooks as Governor was rejected, and a resolution declaring against interference by any department of the general government with the government of Arkansas was carried by 149 yeas to 80 nays.—The House bill for the equalization of bounties passed the Senate on the 2d, with important amendments. It provides for the payment to every soldier, sailor, or marine, "including those borne upon the rolls as slaves and Indians," a bounty of eight and one-third dollars per month (one hundred dollars a year) for the time served between April 12, 1861, and May 9, 1865, less the sum received as bounty under the United States laws. The House bill provided also for the deduction of the bounty paid by the States. This was, however, omitted by the Senate. In case of the death of the person referred to by the bill, the money is to go to the widow, if she has not remarried, or if there is no widow, or she has remarried, then to minor children. The bill failed to become a law, however, as the President refused to sign it.—By a vote of 113 to 65, the House has concurred in the Senate amendment to the Postal Appropriation Bill allowing the free transmission through the mails, on a Congressional frank, of the *Record*, agricultural reports and seeds, and all public documents now printed or authorized to be printed, the privilege to cease on the 1st of December, 1875.—The House Supplementary Immigration Bill passed the Senate on the 3d.—The bill for the admission of Colorado as a State was passed by the House on the 3d, by a vote of 164 to 76.—The New Mexico Bill was voted down by 154 yeas to 87 nays, or less than the required two-thirds.—The President signed the Colorado Bill on the 4th.—Two new members were admitted to the House during the last twenty-four hours of the session. The one was Mr. George A. Sheridan, who contested the old claim of Mr. Pinchback to have been elected Congressman at Large for Louisiana, and the other was Mr. Effingham Lawrence, who claimed the seat for the first Louisiana District, which has been occupied by Mr. Sypher.—The constitutional term of the session having expired at noon of March 4, both Houses of Congress then adjourned *sine die*.

The Senate of the Forty-fourth Congress met in extra session on the 5th. Five of the new Senators are ex-Confederates. Mr. Morton offered two resolutions, one recognizing the Kellogg government of Louisiana, and the other admitting Mr. Pinchback as Senator from that State. Both were laid over.

General Lorenzo Thomas, of the United States army, died in Washington, D. C., on the 2d inst., in his seventy-second year.

The bark *Giovanni*, from Palermo for Boston, ran ashore off Highland Light, Massachusetts, on the 4th, and although only 400 yards from the main-land, the entire crew of sixteen (with the exception of the steward) were drowned.

FOREIGN NEWS.

THE Carlists in Spain, heedless of the advice of the Pope, still continue to fight for their cause. They attacked Bilbao with seven battalions, February 26, and after a vigorous bombardment, made an assault on two of the forts, which were taken and retaken three times. The Carlists were finally repulsed. The fighting was desperate and the losses heavy.

In the British House of Commons, on the 1st inst., a bill was passed to its first reading, which provides for lessening the penalties for the unlawful possession of arms in Ireland, repealing the law which authorizes the closing of public-houses, and the arrest of persons found out-doors at night in the proclaimed districts, and removing the restrictions on newspapers. The Marquis of Hartington, the new Liberal leader, supported the measure.

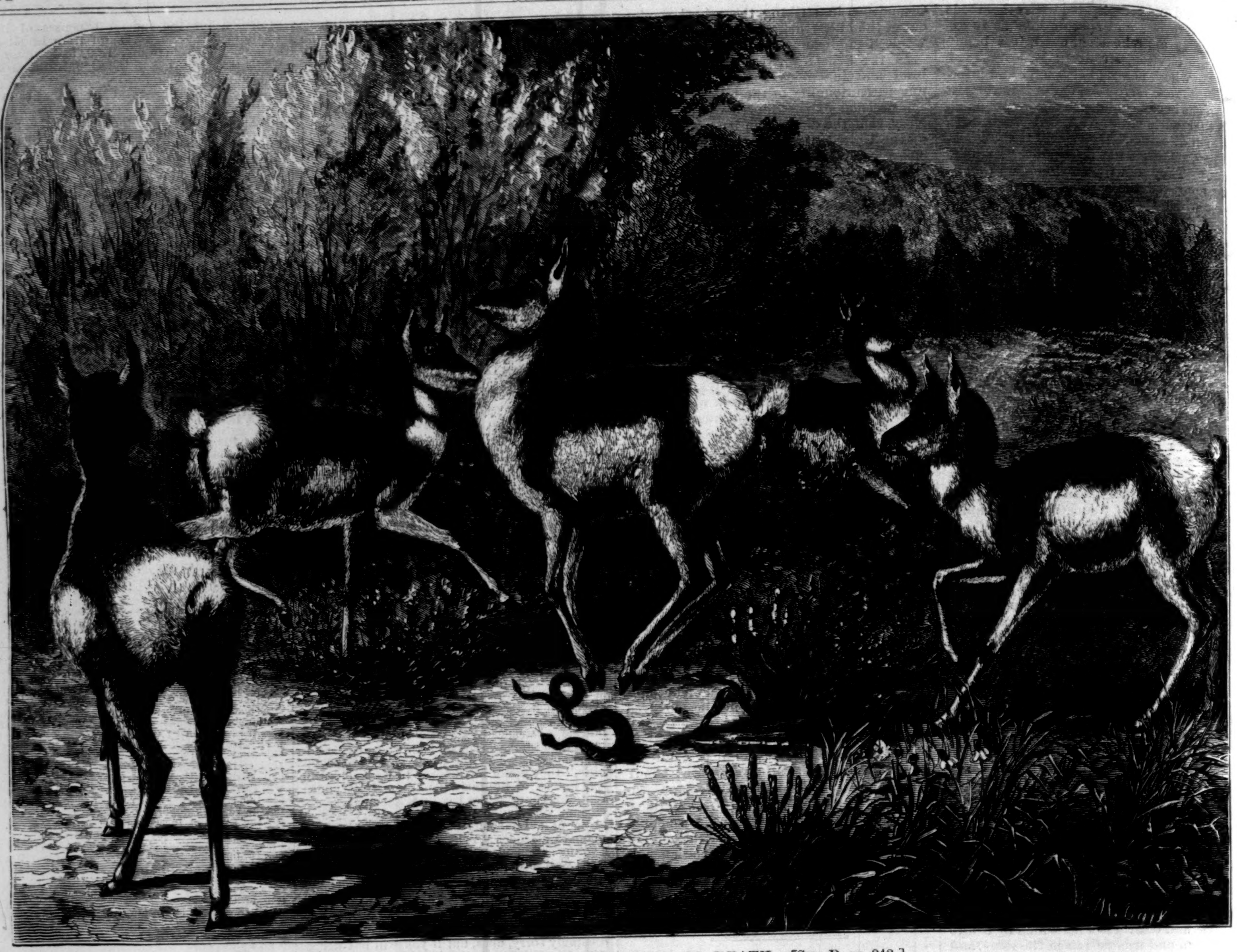
M. Buffet, on the 1st inst., was elected President of the French Assembly by a vote of 479 to 63, the largest majority yet given by that body for a presiding officer.

The *North German Gazette* says the French government has ordered the purchase of 10,000 cavalry horses in Germany. The Emperor William has therefore issued a decree forbidding the exportation of horses.

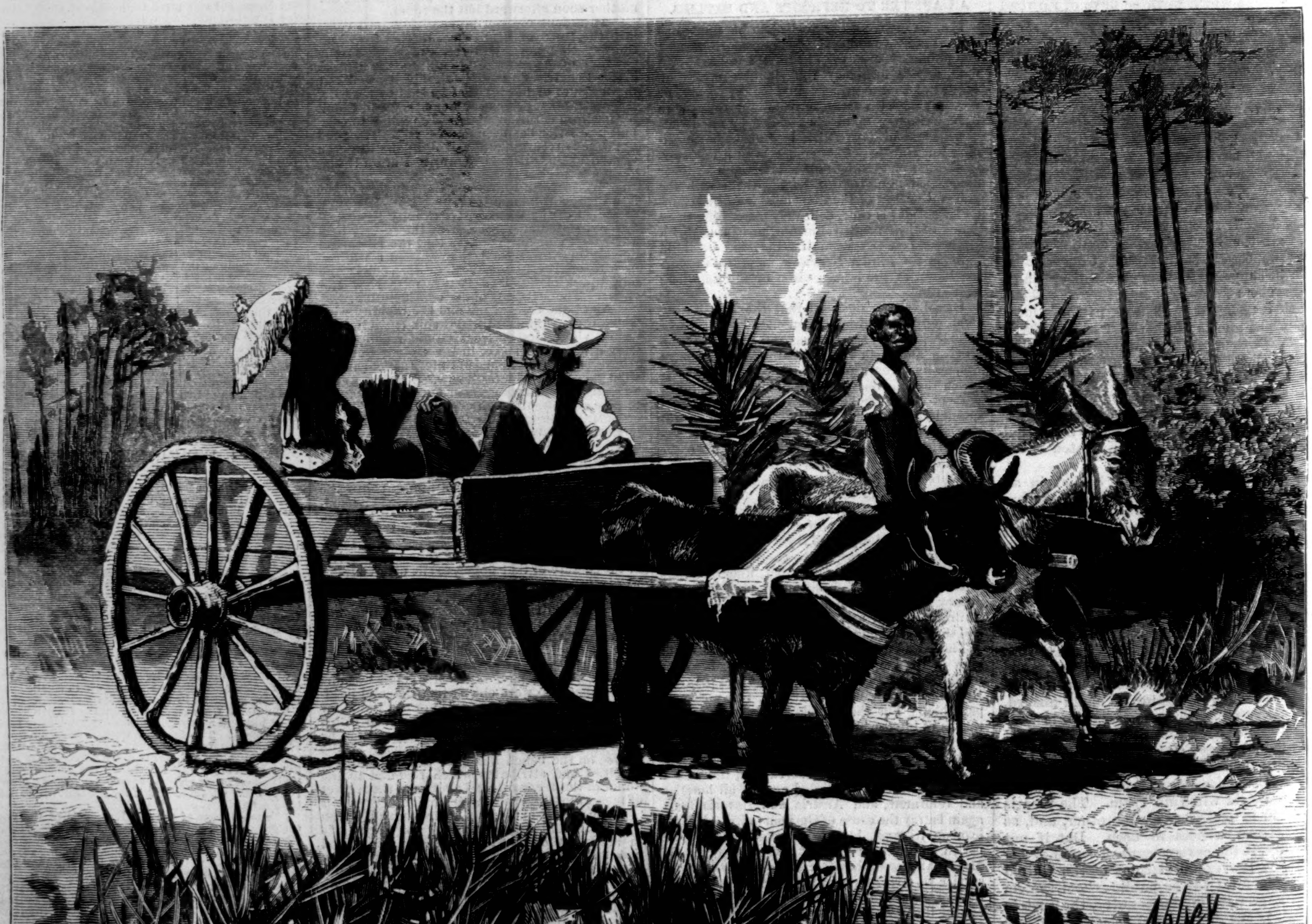
The steamer *Gothenburg* has been wrecked in Bass's Straits, between Van Dieman's Land and Australia. She had on board eighty-five passengers and a crew of thirty-five. Of these only four are known to have been saved.

In consequence of the last Encyclical of the Pope, the government has introduced in the Prussian Chamber of Deputies a bill withdrawing the state endowments from the Catholic clergy and providing for their restoration only to those bishops who will bind themselves by a formal document to obey the laws.

The Prussian government is said to be preparing a parliamentary bill requiring a test oath from Catholics in the civil service, who number several thousands, and dismissing from the employment of the government those who fail to give satisfactory assurances of loyalty. It is also reported that the government has demanded the dismissal of the Papal Nuncio at Munich, and the cessation of the relations between the Vatican and Bavaria.



ANTELOPE STAMPING A RATTLESNAKE TO DEATH.—[SEE PAGE 242.]



FLORIDA CRACKERS GOING TO CHURCH.—[SEE PAGE 242.]

[This Story was commenced in HARPER'S WEEKLY dated October 10, 1874.]

THE LAW AND THE LADY:

A Novel.

BY WILKIE COLLINS,

AUTHOR OF "THE WOMAN IN WHITE," "ARMADALE," "MAN AND WIFE," "THE MOONSTONE," ETC.

Part II.—Paradise Regained.

CHAPTER XLVI.

THE CRISIS DEFERRED.

"TAKE care, Valeria!" said Mrs. Macallan. "I ask you no questions; I only caution you, for your own sake. Eustace has noticed what I have noticed—Eustace has seen a change in you. Take care!"

So my mother-in-law spoke to me, later in the day, when we happened to be alone. I had done my best to conceal all traces of the effect produced on me by the strange and terrible news from Gleninch. But who could read what I had read, who could feel what I now felt, and still maintain an undisturbed serenity of look and manner? If I had been the vilest hypocrite living, I doubt even then if my face could have kept my secret, while my mind was full of Benjamin's letter.

Having spoken her word of caution, Mrs. Macallan made no further advance to me. I dare say she was right. Still, it seemed hard to be left, without a word of advice or of sympathy, to decide for myself what it was my duty to my husband to do next.

To show him Benjamin's narrative in his state of health, and in the face of the warning addressed to me, was simply out of the question. At the same time, it was equally impossible, after I had already betrayed myself, to keep him entirely in the dark. I thought over it anxiously in the night. When the morning came I decided to appeal to my husband's confidence in me.

I went straight to the point in these terms:

"Eustace, your mother said yesterday that you noticed a change in me when I came back from my drive. Is she right?"

"Quite right, Valeria," he answered, speaking in lower tones than usual, and not looking at me.

"We have no concealments from each other now," I answered. "I ought to tell you, and I do tell you, that I found a letter from England waiting at the banker's, which has caused me some agitation and alarm. Will you leave it to me to choose my own time for speaking more plainly? And will you believe, love, that I am really doing my duty toward you, as a good wife, in making this request?"

I paused. He made no answer: I could see that he was secretly struggling with himself. Had I ventured too far? had I overestimated the strength of my influence? My heart beat fast, my voice faltered, but I summoned courage enough to take his hand and to make a last appeal to him. "Eustace," I said, "don't you know me yet well enough to trust me?"

He turned toward me for the first time. I saw a last vanishing trace of doubt in his eyes as they looked into mine.

"You promise sooner or later to tell me the whole truth?" he said.

"I promise with all my heart."

"I trust you, Valeria."

His brightening eyes told me that he really meant what he said. We sealed our compact with a kiss. Pardon me for mentioning these trifles; I am still writing (if you will kindly remember it) of our new honey-moon.

By that day's post I answered Benjamin's letter, telling him what I had done, and entreating him, if he and Mr. Playmore approved of my conduct, to keep me informed of any future discoveries which they might make at Gleninch.

After an interval—an endless interval, as it seemed to me—of ten days more, I received a second letter from my old friend, with another postscript added by Mr. Playmore.

"We are advancing steadily and successfully with the putting together of the letter," Benjamin wrote. "The one new discovery which we have made is of serious importance to your husband. We have reconstructed certain sentences, declaring, in the plainest words, that the arsenic which Eustace procured was purchased at the request of his wife, and was (from first to last) in her possession at Gleninch. This, remember, is in the handwriting of the wife, and is signed by the wife—as we have also found out. Unfortunately I am obliged to add that the objection to taking your husband into our confidence, mentioned when I last wrote, still remains in force—in greater force, I may say, than ever. The more we make out of the letter, the more inclined we are (if we only studied our own feelings) to throw it back into the dust heap, in mercy to the memory of the unhappy writer. I shall keep this open for a day or two. If there is more news to tell you by that time, you will hear of it from Mr. Playmore."

Mr. Playmore's postscript followed, dated three days later.

"The concluding part of the late Mrs. Macallan's letter to her husband," the lawyer wrote, "has proved accidentally to be the first part which we have succeeded in piecing together. With the exception of a few gaps still left here and there, the writing of the closing paragraphs has been perfectly reconstructed. I have neither the time nor the inclination to write to you on this sad subject in any detail. In a fortnight more, at the longest, we shall, I hope, send you a copy of the letter, complete from the first line to the last. Meanwhile it is my duty to tell you that there is one bright side to this otherwise deplorable and shocking document. Legally speaking, as well as morally speaking, it absolutely vindicates your husband's innocence. And it may be lawfully used for this purpose, if he can reconcile it to his conscience and to the mercy due to the memory of the dead to permit the public exposure of the letter in court. Understand me, he can not be tried again on what we call the criminal charge, for certain technical reasons with which I need not trouble you. But if the facts which were involved at the criminal trial can also be shown to be involved in a civil action (and in this case they can), the entire matter may be made the subject of a new legal inquiry, and the verdict of a second jury, completely vindicating your husband, may be thus obtained. Keep this information to yourself for the present. Preserve the position which you have so sensibly adopted toward Eustace until you have read the restored letter. When you have done this, my own idea is that you will shrink, in pity to *him*, from letting him see it. How he is to be kept in ignorance of what we have discovered is another question, the discussion of which must be deferred until we can consult together. Until that time comes, I can only repeat my advice, Wait till the next news reaches you from Gleninch."

I waited. What I suffered, what Eustace thought of me, does not matter. Nothing matters now but the facts.

In less than a fortnight more the task of restoring the letter was completed. Excepting certain instances in which the morsels of the torn paper had been irretrievably lost, and in which it had been necessary to complete the sense in harmony with the writer's intention, the whole letter had been put together, and the promised copy of it was forwarded to me in Paris.

Before you too read that dreadful letter, do me one favor. Let me briefly remind you of the circumstances under which Eustace Macallan married his first wife.

Remember that the poor creature fell in love with him, without awakening any corresponding affection on his side. Remember that he separated himself from her, and did all he could to avoid her, when he found this out. Remember that she presented herself at his residence in London, without a word of warning; that he did his best to save her reputation; that he failed, through no fault of his own; and that he ended, rashly ended in a moment of despair, by marrying her, to silence the scandal that must otherwise have blighted her life as a woman for the rest of her days. Bear all this in mind (it is the sworn testimony of respectable witnesses); and pray do not forget—however foolishly and blamably he may have written about her in the secret pages of his Diary—that he was proved to have done his best to conceal from his wife the aversion which the poor soul inspired in him, and that he was (in the opinion of those who could best judge him) at least a courteous and a considerate husband, if he could be no more.

And now take the letter. It asks but one favor of you: it asks to be read by the light of Christ's teaching—"Judge not, that ye be not judged."

CHAPTER XLVII.

THE WIFE'S CONFESSION.

"GLENINCH, *October* 19, 18—.

"MY HUSBAND,—I have something very painful to tell you about one of your oldest friends.

"You have always treated me courteously and considerately, but you have never encouraged me to come to you with any confidences of mine. If you had allowed me to be as familiar with you as some wives are with their husbands, I should have spoken to you personally instead of writing. As it is, I don't know how you might receive what I have to say to you if I said it by word of mouth. So I write.

"The man against whom I warn you is still a guest in this house—Miserrimus Dexter. No falser or wickeder creature walks the earth. Don't throw my letter aside! I have waited to say this until I could find proof that might satisfy you. I have got the proof.

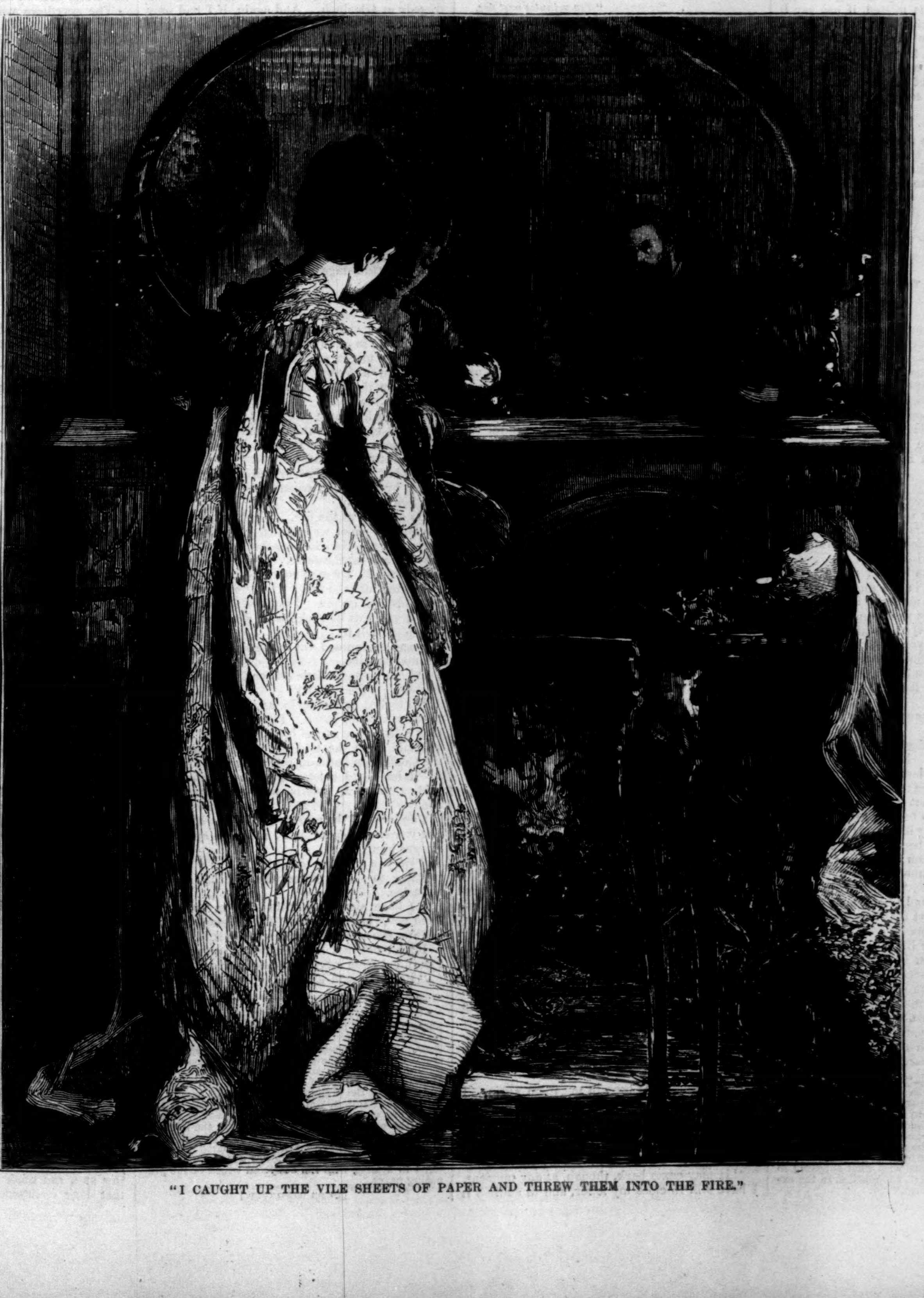
"You may remember that I ventured to express some disapproval when you first told me you had asked this man to visit us. If you had allowed me time to explain myself, I might have been bold enough to give you a good reason for the aversion I felt toward your friend. But you would not wait. You hastily (and most unjustly) accused me of feeling prejudiced against the miserable creature on account of his deformity. No other feeling than compassion for deformed persons has ever entered my mind. I have, indeed, almost a fellow-feeling for them, being that next worst thing myself to a deformity—a plain woman. I objected to Mr. Dexter as your guest because he had asked me to be his wife in past days, and because I had reason to fear that he still regarded me (after my marriage) with a guilty and a horrible love. Was it not my duty, as a good wife, to object to his being your guest at Gleninch? And was it not your duty, as a good husband, to encourage me to say more?

"Well, Mr. Dexter has been your guest for many weeks; and Mr. Dexter has dared to speak to me again of his love. He has insulted me, and insulted you, by declaring that *he* adores me, and that *you* hate me. He has promised me a life of unalloyed happiness in a foreign country with my lover. And he has prophesied for me a life of unendurable misery at home with my husband.

"Why did I not make my complaint to you, and have this monster dismissed from the house at once and forever?

"Are you sure you would have believed me if I had complained, and if your bosom-friend had denied all intention of insulting me? I heard you once say (when you were not aware that I was within hearing) that the vainest women were always the ugly women. You might have accused *me* of vanity. Who knows?

"But I have no desire to shelter myself under this excuse. I am a jealous, unhappy creature, always doubtful of your affection for me, always fearing that another woman has got my place in your heart. Miserrimus Dexter has practiced on this weakness of mine. He has declared he can prove to me (if I will permit him) that I am, in your secret heart, an object of loathing to you; that you shrink from touching me; that you



"I CAUGHT UP THE VILE SHEETS OF PAPER AND THREW THEM INTO THE FIRE."

curse the hour when you were foolish enough to make me your wife. I have struggled as long as I could against the temptation to let him produce his proofs. It was a terrible temptation to a woman who was far from feeling sure of the sincerity of your affection for her, and it has ended in getting the better of my resistance. I wickedly concealed the disgust which the wretch inspired in me; I wickedly gave him leave to explain himself; I wickedly permitted this enemy of yours and of mine to take me into his confidence. And why? Because I loved you and you only; and because Miserrimus Dexter's proposal did, after all, echo a doubt of you that had long been gnawing secretly at my heart.

"Forgive me, Eustace! This is my first sin against you. It shall be my last.

"I will not spare myself; I will write a full confession of what I said to him and of what he said to me. You may make me suffer for it, when you know what I have done, but you will at least be warned in time; you will see your false friend in his true light.

"I said to him, 'How can you prove to me that my husband hates me in secret?'

"He answered, 'I can prove it under his own handwriting; you shall see it in his Diary.'

"I said, 'His Diary has a lock, and the drawer in which he keeps it has a lock. How can you get at the Diary and the drawer?'

"He answered, 'I have my own way of getting at both of them, without the slightest risk of being discovered by your husband. All you have to do is to give me the opportunity of seeing you privately. I will engage, in return, to bring the open Diary with me to your room.'

"I said, 'How can I give you the opportunity? What do you mean?'

"He pointed to the key in the door of communication between my room and the little study.

"He said, 'With my infirmity, I may not be able to profit by the first opportunity of visiting you here, unobserved. I must be able to choose my own time and my own way of getting to you secretly. Let me take this key, leaving the door locked. When the key is missed, if *you* say it doesn't matter—if *you* point out that the door is locked, and tell the servants not to trouble themselves about finding the key—there will be no disturbance in the house, and I shall be in secure possession of a means of communication with you which no one will suspect. Will you do this?'

"I have done it.

"Yes! I have become the accomplice of this double-faced villain. I have degraded myself, and outraged you, by making an appointment to pry into your Diary. I know how base my conduct is. I can make no excuse. I can only repeat that I love you, and that I am sorely afraid you don't love me. And Miserrimus Dexter offers to end my doubts by showing me the most secret thoughts of your heart, in your own writing.

"He is to be with me, for this purpose (while you are out), some time in the course of the next two hours. I shall decline to be satisfied with only once looking at your Diary; and I shall make an appointment with him to bring it to me again at the same time to-morrow. Before then you will receive these lines by the hand of my nurse. Go out as usual, after reading them. But return privately, and unlock the table drawer in which you keep your book. You will find it gone. Post yourself quietly in the little study, and you will discover the Diary (when Miserrimus Dexter leaves me) in the hands of your friend.*

"*October* 20.

"I have read your Diary.

"At last I know what you really think of me. I have read what Miserrimus Dexter promised I should read—the confession of your loathing for me, in your own handwriting.

"You will not receive what I wrote to you yesterday at the time or in the manner which I had proposed. Long as my letter is, I have still (after reading your Diary) some more words to add. After I have closed and sealed the envelope, and addressed it to you, I shall put it under my pillow. It will be found there when I am laid out for the grave—and then, Eustace (when it is too late for hope or help), my letter will be given to you.

"Yes: I have had enough of my life. Yes: I mean to die.

"I have already sacrificed every thing but my life to my love for you. Now I know that my love is not returned, the last sacrifice left is easy. My death will set you free to marry Mrs. Beauly.

"You don't know what it cost me to control my hatred of her, and to beg her to pay her visit here without minding my illness. I could never have done it if I had not been so fond of you, and so fearful of irritating you against me by showing my jealousy. And how did you reward me? Let your Diary answer! 'I tenderly embraced her this very morning; and I hope, poor soul, she did not discover the effort that it cost me.'

"Well, I have discovered it now. I know that you privately think your life with me 'a purgatory.' I know that you have compassionately hidden from me the 'sense of shrinking that comes over you when you are obliged to submit to my caresses.' I am nothing but an obstacle—an 'utterly distasteful' obstacle—between you and the woman whom you love so dearly that you 'adore the earth which she touches with her foot.' Be it so! I will stand in your way no longer. It is no sacrifice and no merit on my part. Life is unendurable to me, now I know that the man whom I love with all my heart and soul secretly shrinks from me whenever I touch him.

"I have got the means of death close at hand.

"The arsenic that I twice asked you to buy for me is in my dressing-case. I deceived you when I mentioned some commonplace domestic reasons for wanting it. My true reason was to try if I could not improve my ugly complexion—not from any vain feeling of mine: only to make myself look better and more lovable in your eyes. I have taken some of it for that purpose, but I have got plenty left to kill myself with. The poison will have its use at last. It might have failed to improve my complexion. It will not fail to relieve you of your ugly wife.

"Don't let me be examined after death. Show this letter to the doctor who attends me. It will tell him that I have committed suicide; it will prevent any innocent persons from being suspected of poisoning me. I want nobody to be blamed or punished. I shall remove the chemist's label, and carefully empty the bottle containing the poison, so that he may not suffer on my account.

"I must wait here and rest a little while, then take up my letter again. It is far too long already. But these are my farewell words. I may surely dwell a little on my last talk with you!

"*October 21. Two o'clock in the morning.*

"I sent you out of the room yesterday, when you came in to ask how I had passed the night. And I spoke of you shamefully, Eustace, after you had gone, to the hired nurse who attends on me. Forgive me. I am almost beside myself now. You know why.

"*Half past three.*

"Oh, my husband, I have done the deed which will relieve you of the wife whom you hate! I have taken the poison—all of it that was left in the paper packet, which was the first that I found. If this is not enough to kill me, I have more left in the bottle.

"*Ten minutes past five.*

"You have just gone, after giving me my composing draught. My courage failed me at the sight of you. I thought to myself, 'If he looks at me kindly, I will confess what I have done, and let him save my life.' You never looked at me at all. You only looked at the medicine. I let you go, without saying a word.

"*Half past five.*

"I begin to feel the first effects of the poison. The nurse is asleep at the foot of my bed. I won't call for assistance; I won't wake her. I will die.

"*Half past nine.*

"The agony was beyond my endurance—I woke the nurse. I have seen the doctor.

"Nobody suspects any thing. Strange to say, the pain has left me; I have evidently taken too little of the poison. I must open the bottle which contains the larger quantity. Fortunately you are not near me—my resolution to die, or rather my loathing of life, remains as bitterly unaltered as ever. To make sure of my courage, I have forbidden the nurse to send for you. She has just gone down stairs by my orders. I am free to get the poison out of my dressing-case.

"*Ten minutes to ten.*

"I had just time to hide the bottle (after the nurse had left me) when you came into my room.

"I had another moment of weakness when I saw you. I determined to give myself a last chance of life. That is to say, I determined to offer you a last opportunity of treating me kindly. I asked you to get me a cup of tea. If, in paying me this little attention, you only encouraged me by one fond word or one fond look, I resolved not to take the second dose of poison.

"You obeyed my wishes, but you were not kind. You gave me my tea, Eustace, as if you were giving a drink to your dog. And then you wondered in a languid way (thinking, I suppose, of Mrs. Beauly all the time) at my dropping the cup in handing it back to you. I really could not help it; my hand *would* tremble. In my place, your hand might have trembled too—with the arsenic under the bedclothes. You politely hoped, before you went away, that the tea would do me good—and, O God! you could not even look at me when you said that! You looked at the broken bits of the tea-cup.

"The instant you were out of the room I took the poison—a double dose this time.

"I have a little request to make here, while I think of it.

"After removing the label from the bottle and putting it back, clean, in my dressing-case, it struck me that I had failed to take the same precaution (in the early morning) with the empty paper packet bearing on it the name of the other chemist. I threw it aside on the counterpane of the bed, among some other loose papers. My ill-tempered nurse complained of the litter, and crumpled them all up and put them away somewhere. I hope the chemist will not suffer through my carelessness. Pray bear it in mind to say that he is not to blame.

"Dexter—something reminds me of Miserrimus Dexter. He has put your Diary back again in the drawer, and he presses me for an answer to his proposals. Has this false wretch any conscience? If he has, even *he* will suffer—when my death answers him.

"The nurse has been in my room again. I have sent her away. I have told her I want to be alone.

"How is the time going? I can not find my watch. Is the pain coming back again, and paralyzing me? I don't feel it keenly yet.

"It may come back, though, at any moment. I have still to close my letter, and to address it to you. And, besides, I must save up my strength to hide it under the pillow, so that nobody may find it until after my death.

"Farewell, my dear. I wish I had been a prettier woman. A more loving woman (toward you) I could not be. Even now I dread the sight of your dear face. Even now, if I allowed myself the luxury of looking at you, I don't know that you might not charm me into confessing what I have done—before it is too late to save me.

"But you are not here. Better as it is! better as it is!

"Once more, farewell! Be happier than you have been with me. I love you, Eustace—I forgive you. When you have nothing else to think about, think sometimes, as kindly as you can, of your poor ugly SARA MACALLAN."*

CHAPTER XLVIII.

WHAT ELSE COULD I DO?

As soon as I could dry my eyes and compose my spirits after reading the wife's pitiable and dreadful farewell, my first thought was of Eustace—my first anxiety was to prevent him from ever reading what I had read.

Yes! to this end it had come. I had devoted my life to the attainment of one object, and that object I had gained. There, on the table before me, lay the triumphant vindication of my husband's innocence; and, in mercy to him, in mercy to the memory of his dead wife, my one hope was that he might never see it! my one desire was to hide it from the public view!

I looked back at the strange circumstances under which the letter had been discovered.

It was all my doing, as the lawyer had said. And yet what I had done I had, so to speak, done blindfold. The merest accident might have altered the whole course of later events. I had over and over again interfered to check Ariel when she entreated the Master to "tell her a story." If she had not succeeded, in spite of my opposition, Miserrimus Dexter's last effort of memory might never have been directed to the tragedy at Gleninch. And again, if I had only remembered to move my chair, and so to give Benjamin the signal to leave off, he would never have written down the apparently senseless words which have led us to the discovery of the truth.

Looking back at events in this frame of mind, the very sight of the letter sickened and horrified me. I cursed the day which had disinterred the fragments of it from their foul tomb. Just at the time when Eustace had found his weary way back to health and strength; just at the time when we were united again and happy again—when a month or two more might make us father and mother, as well as husband and wife—that frightful record of suffering and sin had risen against us like an avenging spirit. There it faced me on the table, threatening my husband's tranquillity; nay, for all I knew (if he read it at the present critical stage of his recovery), even threatening his life!

The hour struck from the clock on the mantel-piece. It was Eustace's time for paying me his morning visit in my own little room. He might come in at any moment; he might see the letter; he might snatch the letter out of my hand. In a frenzy of terror and loathing, I caught up the vile sheets of paper and threw them into the fire.

It was a fortunate thing that a copy only had been sent to me. If the original letter had been in its place, I believe I should have burned the original at that moment.

The last morsel of paper had been barely consumed by the flames when the door opened and Eustace came in.

He glanced at the fire. The black cinders of the burned paper were still floating at the back of the grate. He had seen the letter brought to me at the breakfast-table. Did he suspect what I had done? He said nothing—he stood gravely looking into the fire. Then he advanced and fixed his eyes on me. I suppose I was very pale. The first words he spoke were words which asked me if I felt ill.

I was determined not to deceive him, even in the merest trifle.

"I am feeling a little nervous, Eustace," I answered. "That is all!"

He looked at me again, as if he expected me to say something more. I remained silent. He took a letter out of the breast pocket of his coat and laid it on the table before me—just where the Confession had lain before I destroyed it.

"I have had a letter too this morning," he said. "And *I*, Valeria, have no secrets from *you*."

I understood the reproach which my husband's last words conveyed; but I made no attempt to answer him.

"Do you wish me to read it?" was all I said, pointing to the envelope which he had laid on the table.

"I have already said that I have no secrets from you," he repeated. "The envelope is open. See for yourself what is inclosed in it."

I took out, not a letter, but a printed paragraph, cut from a Scotch newspaper.

"Read it," said Eustace.

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* NOTE BY MR. PLAYMORE.—"The greatest difficulties of reconstruction occurred in this first portion of the torn letter. In the fourth paragraph from the beginning we have been obliged to supply lost words in no less than three places. In the ninth, tenth, and seventeenth paragraphs the same proceeding was, in a greater or less degree, found to be necessary. In all these cases the utmost pains have been taken to supply the deficiency in exact accordance with what appeared to be the meaning of the writer, as indicated in the existing pieces of the manuscript."

* NOTE BY MR. PLAYMORE.—"The lost words and phrases supplied in this concluding portion of the letter are so few in number that it is needless to mention them. The fragments which were found accidentally stuck together by the gum, and which represent the part of the letter first completely reconstructed, begin at the phrase, 'I spoke of you shamefully, Eustace,' and end with the broken sentence, 'If, in paying me this little attention, you only encourage me by one fond word or one fond look, I resolve not to take—' With the assistance thus afforded to us, the labor of putting together the concluding half of the letter (dated 'October 20') was trifling compared with the almost insurmountable difficulties which we encountered in dealing with the scattered wreck of the preceding pages."

[TO BE CONTINUED.]

(Continued from Supplement to No. 950, page 228.)

HIGHER LIFE OF ANIMALS.

CHAPTER VII.—(*Continued.*)

GENEROSITY.

MY bull-dog "Apollo" was equally magnanimous: he would suffer almost any provocation from a dog smaller or not much larger than himself, but never would allow any liberty to be taken by a big dog. Over and over again has he allowed little dogs to bite him without troubling himself to retaliate; but if a big dog ventured upon an insult, that dog had to run.

One day as I was walking to the post-office, with Apollo at my heels, as usual, a remarkably fine black retriever came up and began to growl at him. Apollo only gave him a glance out of the corner of his eye, and trotted on. The retriever came close, and continued to growl; whereupon I cautioned his owner that, if his dog would let Apollo alone, Apollo would have nothing to say to him, but that if the retriever continued his insults I could not answer for the consequences.

The only reply was a disdainful smile, and a contemptuous look at the dog. After some more annoyance Apollo gave a slight growl, and the hairs of his back began to bristle ominously. Again I gave warning, but with the same result. Presently the retriever flew at Apollo, bit him in the ear, and next moment was on his back, with Apollo's grip on his throat. The retriever's master was so startled at the sudden change of affairs that he could not interfere, and in a minute there would have been a dead retriever. Fortunately I had taught Apollo to loosen his hold at the word of command (the hardest lesson I ever had to teach a dog), and I called him off. In a few moments the fallen animal recovered his breath and his legs, and made off at full speed, yelping with pain and terror, and I saw nothing more of him. As for Apollo, he fell back unconcernedly to his place at my heels, and trotted on as if such a thing as a retriever had never been in existence.

The anecdotes which have been just related show that animals can act magnanimously toward each other. Here, however, is an instance where a dog which would most assuredly have assaulted the man whom he hated, had the latter been in a position to defend himself, did most nobly forego his vengeance when the enemy was completely at his mercy. As is usually the case with the most characteristic dog anecdotes, the event occurred in Scotland.

"The manager of a mill in Fifeshire was very much disliked by the watch-dog, probably because he had acted harshly to the animal. One very dark night he strayed from the path and fell over the dog. Perceiving the mistake which he had made, and that he could not recover himself, he gave himself up as lost, the dog being a very powerful one. The animal, however, was magnanimous enough to spare a helpless enemy, and to lay aside old grievances. Instead of seizing the prostrate man by the throat, the dog only licked his face and indicated his sympathy. Ever afterward the man and the dog were great friends."

CHAPTER VIII.

CHEATERY.

ALL virtues have their opposite vices; and just as there are animals capable of exercising great self-denial in order to give to others that which belongs to themselves, and even displaying an amount of generosity unsurpassable by any human being, so there are animals which can cheat like accomplished swindlers. Sometimes, as in the following instance, the same animal is capable of both acts.

Here is an anecdote of "Barbekark," the dog which killed the deer, and then gave it up to his master. The narrator is Captain Hall:

"I have before mentioned some particulars of these dogs, and I now relate an anecdote concerning them during our passage across from Greenland.

"One day, in feeding the dogs, I called the whole of them around me, and gave to each in turn a capelin, or small dried fish. To do this fairly, I used to make all the dogs encircle me, until every one had received ten of the capelins apiece.

"Now Barbekark, a very young and shrewd dog, took it into his head that he would play a white man's trick. So every time that he received his fish he would back square out, move a distance of two or three dogs, and force himself in line again, thus receiving double the share of every other dog. But this joke of Barbekark's bespoke too much of the game that many men play upon their fellow-beings, and, as I noticed it, I determined to check his doggish propensities. Still, the cunning and the singular way in which he evidently watched me induced a moment's pause in my intentions.

"Each dog thankfully took his capelin as his turn came round; but Barbekark, finding his share come twice as often as his companions, appeared to shake his tail twice as thankfully as the others. A twinkle in his eyes, as they caught mine, seemed to say, 'Keep dark; these ignorant fellows don't know the game I am playing. I am confoundedly hungry.'

"Seeing my face smiling at his trick, he now commenced making another change, thus getting *three* portions to each of the others' one. This was enough, and it was now time for me to reverse the order of Barbekark's game by playing a trick upon him. Accordingly every time I came to him he got no fish; and although he changed his position three times, yet he got nothing. Then, if ever there was a picture of disappointed plans, of envy at others' fortune, and sorrow at a sad misfortune, it was to be found on that dog's countenance as he watched his companions receiving their allowance. Finding he could not succeed by any change of his position, he withdrew from the circle to where I was, and came to me, crowding his way between my legs, and looked up in my face as if to say, 'I have been a very bad dog; forgive me, and Barbekark will cheat his brother dogs no more. Please, Sir, give me my share of capelins.' I went the rounds three times more, and let him have the fish, as he had shown himself so sagacious, and so much like a repentant prodigal dog."

As cheatery requires the use of the intellect, it is evident that the most intellectual animals will be the most accomplished cheats. Dogs, therefore, may be expected to be considerable adepts in cheating, and are often very amusing in their attempts to deceive human beings. Here are one or two more examples of cheating in the dog:

One of my friends had a couple of little toy terrier dogs. As is usually the case in such instances, though very fond of each other, they were horribly jealous with regard to their master, and neither could endure to see the other caressed. It so happened that one of them broke its leg, and was in consequence much petted. Its companion, seeing the attention that was paid to the injured animal, pretended to be lame itself, and came limping to its master, holding up the corresponding leg, and trying to look as if it were in great pain.

The following anecdote is sent me by a friend:

"A Skye terrier of our acquaintance named 'Monte' had at one time a very sore leg, and during his illness he got a great deal of sympathy and petting. Ever since, when he has been in any mischief, he comes running on three legs, holding up the one which was once sore, but is now quite well. In his own way he is quite as arrant an impostor as the well-known begging 'sailor' with one leg tied up to look as if he had lost it."

A curious and rather ludicrous instance of cheatery on the part of the dog was observed by one of my friends.

He has three little black-and-tan terriers, father, mother, and daughter, which are great pets, and consider the house as their own property. Like most pet dogs, they have their favorite spots by way of couches; and as they all three generally take a fancy to the same spot, there is occasionally a difference of opinion and a slight loss of temper. The one pet spot of all is a soft cushion at the head of a sofa. Now the cushion had accommodated easily the father and the mother; but when the daughter came, and in course of time wanted her share of the couch, it was found that the quarters were rather too limited for comfort, especially as the daughter persisted in growing until she reached the size of her parents.

One day the father and daughter had got into the room first, and according to custom made straightway for the cushion, on which they established themselves comfortably, occupying the whole of its surface. Presently the mother came in, and also went to the cushion. She tried to take her place on it, but her husband was too selfish and her daughter too undutiful to move, and in consequence she had to retire.

Presently she went to the farthest corner of the room, and suddenly began to scratch violently, barking, growling, and sniffing as if she were digging out a rat. Up jumped the others, all blazing with excitement, and anxious to have their share of the sport. As soon as they had got their noses well down in the corner, the mother ran to the sofa at full speed, jumped on the cushion, curled herself round, and was happy. However, she was generous in victory, and made room for her husband and daughter as they came back to the sofa crest-fallen and humiliated.

One of my brothers has furnished me with an account of an audacious piece of cheatery practiced by his dog.

"My dog is a white terrier, called 'Sambo,' on account of his color, supposed to be a pure specimen of the 'fox' variety, but perversely exhibiting unmistakable evidences of the existence of the more plebeian 'bull' somewhere in the roll of his ancestry. He is good-tempered and affectionate, and devoted to his master—and to sport, especially to the pursuit of rabbits.

"One fine morning last January I took him out for a couple of hours' rabbiting, to his great joy, but, as I could also see, by his way of constantly coming back to have a look at my face, to his intense puzzlement. An afternoon alone with me was quite natural, and according to custom; but starting at eleven A.M. had always meant a day with the keepers, and where were the keepers? We found no rabbits; but then he was not busy as usual: his head was not sufficiently clear from other matters to look them up with his usual care and perseverance.

"He passed many a likely bush without even a glance of his eye, and I began to fear that he was ill; when suddenly, as luck would have it, we heard several shots in rapid succession, and found ourselves in the midst of a regular rabbiting party. The effect upon Sambo was miraculous; his tail and ears went up, and he sprang at once from a state of low despondency into one of violent activity. A few moments before and he seemed to have made up his mind that the British rabbit was an extinct animal, and his master a great fool for carrying a gun in pursuit of it: of course, as he was under orders, he must look for them, or pretend to do so—but it was awful humbug. Now, to see him rushing all over the place, quartering the ground, with his tail going, and his nose investigating every little tuft, one would have thought there was a rabbit for every square yard.

"Things went on as usual until the time arrived that I had to take my leave and return home. Now not only had we just arrived at a favorable spot in the covert—a fact just as well known to the dogs as to ourselves—but there were unmistakable signs of approaching luncheon. My first call to my dog was, therefore, unheeded: he had suddenly conceived a violent affection for another dog, with whom, by-the-way, he could never on ordinary occasions agree, and in the interchange of friendly confidences was quite abstracted from the outer world.

"A more imperative summons made him start—a very false move; but he at once compensated for it by facing round sharply in the opposite direction to me, and looking anxiously up the drive instead of down, with his head and ears up, as if he rather expected to see me at the end of it, about half a mile off. However, it would not do, and he was reduced to following me, though he kept to heel with drooping head and tail, and many a wistful look behind.

"We had hardly got well out of the sight of the keepers when he suddenly brightened up, as though he thought life had yet some joys in store for him, trotted on in front, and behaved himself as usual. Suddenly, just a few yards from the exit from the covert, he 'made a point' at a solitary tuft of grass and rushes. I was astonished that a rabbit could be harbored there, as we had but just passed over the very spot with a regular array of dogs and beaters; but Sambo said 'rabbit' as plainly as possible: so in went my cartridges again, and the necessary permission was given.

"To my astonishment, no rabbit appeared; but none the less Mr. Sambo went through all the regulation manœuvres formulated and provided in such cases. He dashed into the tuft, came out the other side as if in full chase, yelped as if he were only just out of biting distance of his prey, and was lost to sight in a moment; and what is more, he returned not. I whistled and called, but no sound could be heard. Suddenly his 'little game' flashed upon me. I went back to the keepers, and there was my friend taking his luncheon affably with one of them—a particular friend. With the utmost respect for his mental resources, I yet thought it necessary to be 'firm' with him, and I do not think he will ever play me that trick again."

SCIENTIFIC INTELLIGENCE.

In a recent paper in **Petermann's** geographical notices, Professor **Fritz**, of Berne, gives the results of his researches into the geographical distribution of auroras. Having as far as possible eliminated the sources of error arising from the fact that few observers preserve complete records of the aurora, and that few records which continue over a number of years have a uniform degree of completeness at all times, having also eliminated the periodic changes, both the diurnal and the annual, and after making allowance for the relative cloudiness of the different stations, **Fritz** presents a map compiled from the records for upward of 200 places in Europe, Asia, and America. He discusses with great care the probable value of the observations, and then draws lines of equal frequency of auroral display, or isochasms.

The zone of maximum frequency is a narrow belt passing just north of the North Cape and the Siberian coast, and through the northern part of Spitzbergen, and near Point Barrow, Great Bear Lake, and Nain, on the coast of Labrador. According as we go from this zone northward or southward, we come to regions of gradually diminishing frequency and diminishing intensity of auroral display; and it is important to observe that while south of this zone of maximum frequency the auroral arches are generally seen north of the observer, they appear to stations on the north of it to be south of the observer's zenith, while to those upon the zone they appear indifferently to the north or south. The whole system of belts deduced by Dr. **Fritz** has very great similarity to, and almost coincides with, those given by **Muncke** in 1820 and by **Loomis** in 1856. The curves of equal frequency generally cut the magnetic meridians at right angles, and apparently follow the borders of the continents and the limits of perpetual ice; upon which fact Professor **Fritz** seems inclined to dwell with special attention, and to conclude therefrom that the atmospheric electricity produced by the friction of winds blowing over ice-fields has something to do with the exhibition of the aurora. It has been suggested, in carrying out the same idea, that it may not be unlikely that the aurora varies with the increase and decrease of the ice, whence, by analogy, it may be concluded that the neighborhood of the Alps may influence the frequent display of aurora seen in Northern Italy.

No. 61 of the Notices of the Publications of the United States Hydrographic Office is a compilation with reference to the river Rio de la Plata, by Lieutenant **Gorringe**, of the United States navy. This is a volume of about 160 pages, with numerous illustrations, giving an account of the best method of navigation within the limits of that river.

Under the title of "Contributions to the Fossil Flora of the Western Territories: Part I. The Cretaceous Flora, by Professor **Lesquereux**," Professor **Hayden** has published the sixth volume of the series of final reports of the United States Geological Survey of the Territories. The work is in quarto, and embraces 136 pages and thirty plates. Very many new species are figured and described. The name of the author is, of course, a sufficient guarantee of the scientific value of this work, which covers all the known species of the Dakota group, and constitutes an important starting-point for similar monographs of other divisions of the fossil plants of America.

Professor **Lesquereux** gives an account of the circumstances under which this formation was discovered and explored by Dr. **Hayden** and others, and then considers the surface and stratagraphical distribution of the species. In accordance with Dr. **Hayden's** views, the author finds the group to be of marine origin, as shown by the occurrence of various species of marine mollusks.

Numerous important general considerations are presented by Professor **Lesquereux** in connection with his subject, and in the concluding part of the memoir he remarks that he is not prepared to commit himself in regard to the correlation of the flora of the Dakota group with that of subsequent geological epochs, and their identity, preferring to wait the gathering and examination of other series. He, however, states that this flora, without affinity with any preceding vegetable types, without relation to the flora of the lower tertiary of the United States, and with scarcely any forms referable to species known from coeval formations in Europe, presents, as a whole, a remarkable and, as yet, unexplained case of isolation.

The death is announced of M. **D'Omalius d'Halloy**, the well-known Belgian geologist. He was born in Liege, February 16, 1783, and died on the 15th of January, at the age of ninety-two. For many years he has been prominent in the ranks of geological investigators, and has contributed numerous memoirs and important treatises on geology. As might have been expected, he was a member of the principal learned societies of Europe.

A new weekly scientific periodical has just been commenced in France under the title of the *Explorateur*, serving as the organ of the French Geographical Society, and designed to promote the cause of geographical exploration among the French. A special object is to obtain means for sending travelers into the Sahara, where some previous French parties were murdered by the natives.

The Massachusetts Commissioners of Fisheries have published their Ninth Annual Report, for the year ending January 1, 1875, which, like its predecessors, occupies a prominent part in the histories of State and national measures taken for multiplying the food fishes. The principal work of the Commissioners consisted in hatching the eggs and planting the young of the California and Maine salmon, and the hatching of shad in the Merrimac River at North Andover. A few land-locked salmon were also obtained from Sebec, and distributed to different parts of the State. The number of shad caught at Andover, in 1874, was 1680, which furnished 6,249,000 spawn. Of these 3,500,000 were hatched and distributed in various waters of the State. The average of the yield of eggs was 10,278 to each female.

Professor **Zittel**, during a recent journey in the Libyan Desert in Egypt, made some observations of atmospheric ozone, from which it appears that the air over the desert is richer in ozone than that at the oases and the valley of the Nile, the ratios being as 73 to 48. The Libyan Desert, therefore, seems to be richer in ozone than any portion of Europe. The ozone was observed to be always less in the daytime than in the night—greatest during clear weather and northwest or west winds. Vegetation has been generally looked upon as an important source of ozone, whereas **Ebermayer** says that in all wooded regions the air in winter is richer in ozone than in summer, and that therefore forests, as such, evidently do not exert any influence through their leaves, but possibly through their greater moistness. **Zittel**, however, thinks there is no relation between vegetation and atmospheric ozone.

A very important work has just been commenced by the Patent-office, under the title of "*Index of Patents for Inventions issued by the United States Patent-office from* 1790 *to* 1873, *inclusive.* Compiled and published under the Direction of M. D. **Leggett**, Commissioner of Patents." The first volume, a royal octavo of 649 pages, was published in 1874, and the remaining volumes will follow in rapid succession.

The method adopted is strictly alphabetical, the subjects being given in their alphabetical sequence, with name of inventor, his residence, and the date and number of the patent. Should full details in regard to any invention be desired, they can be obtained, of course, by reference to the original patent.

From the report of the Natural History Society of Switzerland we gather that the publication of the three sections of the primary triangulation work is now nearly completed. During the past year experiments with **Bessel's** reversion pendulum have been carried out by **Plantamour**, and exact levelings made, in order to connect together the principal stations. These latter have been investigated by **Redard**, who has found an error in altitude of one meter in the earlier portion of the work, between Locarno and Domodossola, by the rectification of which there seems now reasonable certainty that the entire Alpine polygon will exhibit no sensible error.

In reference to the observations of atmospheric electricity in high northern latitudes, in which, as yet, our instruments have generally given negative results, **Wijkander** states that the late Swedish polar expedition gave special attention to this subject, and that all their observations show that at relatively high temperatures the air conducts electricity very well, to which fact is ascribed the absence of lightning and the presence of the Northern Lights. It has been said that these latter phenomena depend upon the great moisture of the air in these regions; but it seems clear that the polar light is conditioned by other circumstances, since the same temperature and the same degree of humidity do not bring forth these results in other latitudes.

Mr. **Alexis Perry** has continued to present to the world his annual reports of dates of earthquakes, and, with reference to his last one, Mr. **Quetelet** states that it is the twenty-ninth in the uninterrupted series which began in 1843. This list, like its predecessors, is published by the Royal Academy of Belgium in full, although, by the report of the commission appointed to examine it, we see that the list may be reduced in bulk without diminishing its usefulness.

There is still standing within the walls of the castle at Dover, England, an old Roman pharos. The antiquity of this light-house, which has probably not been used as such since the Norman conquest, no doubt exceeds that of any light-house in Great Britain, it having been built, as is supposed, about A.D. 44. Upon it burned for many centuries great fires of wood or coal, the modern system of lamps and reflectors having superseded coal fires during the last century. This pharos, like the one at Boulogne, is built of brick, in color and shape like those found elsewhere in the Roman structures of Great Britain. They are of a light red color, about fourteen inches long and not more than an inch and a half thick. The mortar joints are of nearly the same thickness. The preservation of this interesting relic is doubtless due to the fact that some centuries ago the tower was turned into a belfry, and was surrounded by walls of stone. The latter are now nearly destroyed by time, and the old remaining work is again exposed.

The *Timaru* left Glasgow on the 14th of January for Otago, New Zealand, with a consignment of salmon eggs, packed under the direction of **Frank Buckland**, and intended for the renewal of the experiment of introducing salmon into the waters of the antipodes.

One of the most important of the many valuable government documents published during a few months past is the Annual Report of the United States Geological and Geographical Survey of the Territories for 1873, as prepared by Dr. **Hayden**, being a volume of 730 pages, profusely illustrated with plates and sections, and exhibiting the physical geography, the sectional geology, the mining, and the natural history of the country.

The volume consists of several sections. The first, that of geology, mineralogy, and mining industry, was prepared by Dr. **Hayden**, Mr. **Marvine**, Mr. **Peale**, and Dr. **Endlich**. The second embraces special reports on paleontology, on the fossil flora by Professor **Lesquereux**, and on the vertebrates by Mr. **Cope**. Part third, zoology, contains articles on the recent invertebrates by Lieutenant **Carpenter**, Dr. **Packard**, Baron **Ostensacken**, Mr. **Ulke**, Dr. **Hagen**, Mr. S. J. **Smith**, Professor **Verrill**, and Mr. **William G. Binney**. Part fourth, upon the geography and topography, is from the pen of Mr. **James T. Gardner**, geographer of the expedition. There is also an appendix by Mr. A. R. **Marvine**.

The book is, of course, indispensable to all persons interested in the physical geography and natural history of the West.

HUMORS OF THE DAY.

An old-fashioned clergyman named More was riding on horseback one stormy day, enveloped in a loose cloak of large proportions and having a broad scarlet collar. By the action of the wind the cloak was tossing about in all directions, when a gentleman rode up on a spirited horse, which shied and almost threw the rider. "That cloak of yours would frighten the devil," said the gentleman. "You don't say so!" replied Mr. More; "why, that's just my trade."

A contemporary boasts that he "can stand on his intellectual capital." We suppose he means that he can stand on his head.

The old lady who believes every calamity that happens to herself a trial, and every one that happens to her friends a judgment, is not yet dead.

TAILORS DEFENDED.

A tailor possesses the qualities of nine men combined in one, as will be seen by the following observations:

1. As an economist, he cuts his coat according to his cloth.
2. As a gardener, he is careful of his cabbage.
3. As a sailor, he sheers off whenever it is proper.
4. As a play-actor, he often brandishes a bare bodkin.
5. As a lawyer, he attends many suits.
6. As an executioner, he provides suspenders or gallowses for many persons.
7. As a cook, he is generally furnished with a warm goose.
8. As a sheriff's officer, he does much at sponging.
9. As a rational and Scriptural divine, his great aim is to form good habits for the benefit of himself and others.

"Your son, madam, persists in doing nothing," says the director. "Then," replies the woman, by no means disconcerted, "you should give him the prize for perseverance."

That was a triumphant appeal of an Irishman, who, in arguing the superiority of old architecture over the new, said, "Where will you find any modern building that has lasted so long as the ancient?"

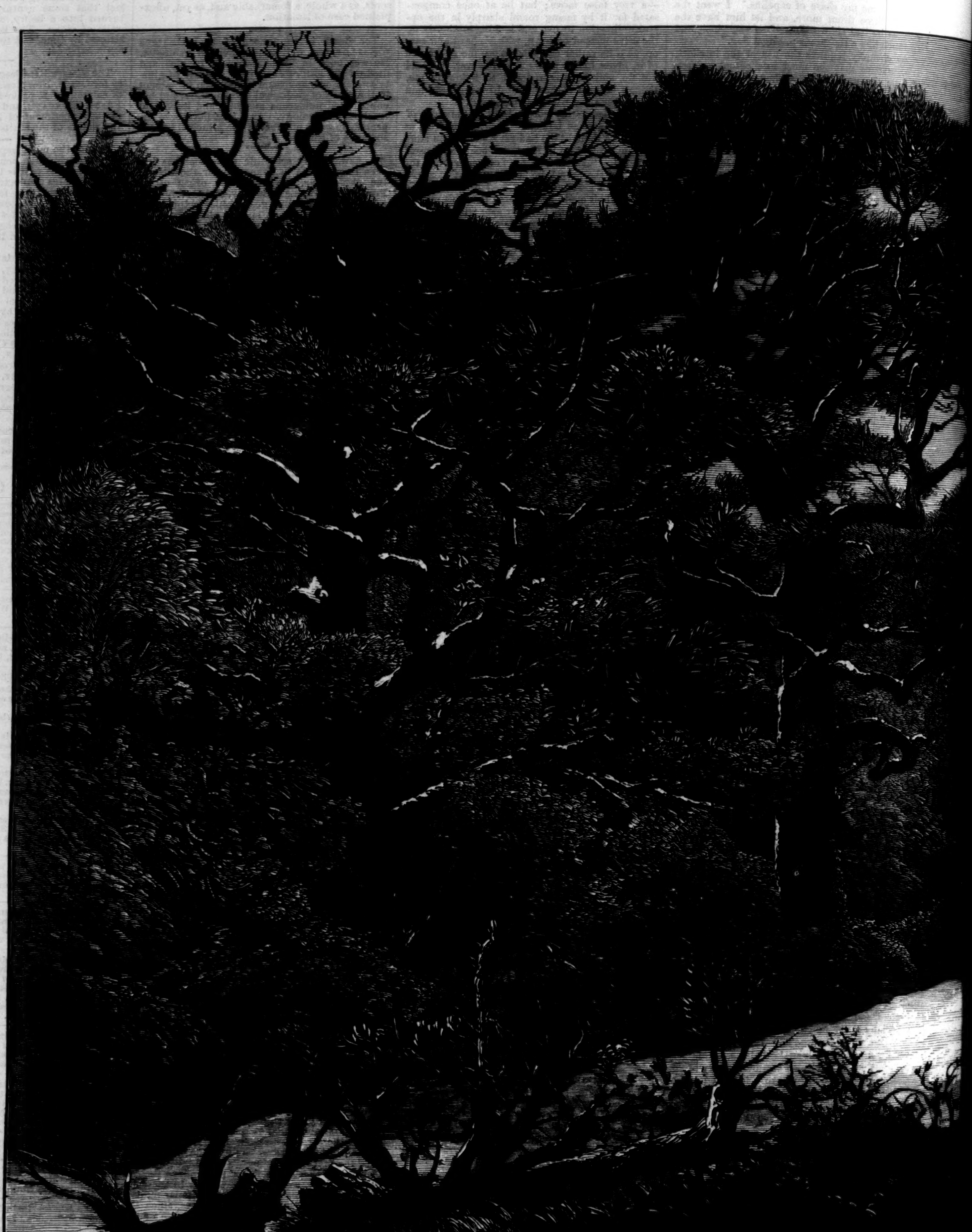
"You must admit, doctor," said a witty lady to a celebrated doctor of divinity, with whom she was arguing the question of the "equality of the sexes"—"you must admit that woman was created before man!" "Well, really, madam," said the astonished divine, "I must ask you to prove your case." "That can be easily done, Sir. Wasn't Eve the first maid?"

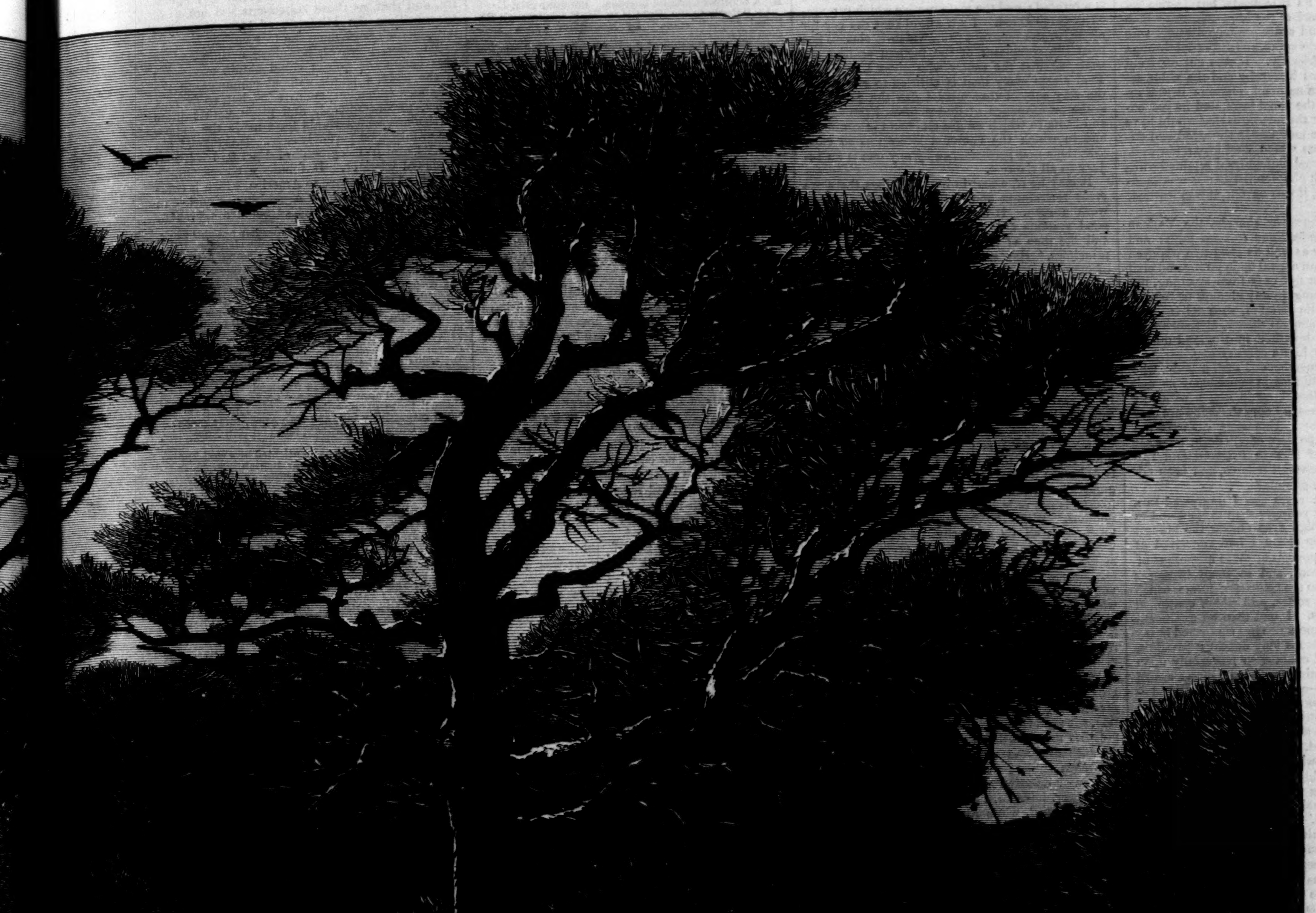
A foppish fellow advised a friend not to marry a poor girl, as he would find matrimony with poverty "up-hill work." "Good," said his friend; "I would rather go up hill than down hill any time."

A farmer, having buried his wife, waited upon the grave-digger, who had performed the necessary duties, to pay him his fees. Being of a niggardly disposition, he endeavored to get the knight of the spade to abate his charges. The patience of the latter becoming exhausted, he grasped his shovel impulsively, and, with an angry look, exclaimed, "Doon wi' another shillin', or—up she comes!" The threat had the desired effect.

Tom Hood speaks of a bird building its nest upon a ledge over the door of a doctor's office as an attempt to rear its young in the very jaws of death.

At a late criminal trial both judge and counsel had a deal of trouble to make the timid witnesses speak sufficiently loud to be heard by the jury, and it is possible that the temper of the counsel may thereby have been turned from the even tenor of its way. After this gentleman had gone through the various stages of bar pleading, and had coaxed, threatened, and even bullied witnesses, there was called into the box a young hostler, who appeared to be simplicity personified. "Now, Sir," said the counsel, in a tone that would at any other time have been denounced as vulgarly loud, "I hope we shall have no difficulty in making you speak out." "I hope not, Sir," was shouted, or rather bellowed, out by the witness, in tones which almost shook the building, and would certainly have alarmed any timid or nervous lady. "How dare you speak in that way, Sir?" demanded the counsel. "Please, Sur, I can't speak any louder," said the astonished witness, attempting to speak louder than before, evidently thinking the fault to be in his speaking too softly. "Pray have you been drinking this morning?" shouted the counsel, who had now thoroughly lost the last remnant of his temper. "Yes, Sur," was the reply. "And what have you been drinking?" "Corfee, Sur." "And what did you have in your coffee, Sir?" yelled the exasperated counsel. "A spune, Sur," innocently bawled the witness, in his highest key, amidst the roars of the whole court—excepting only the now thoroughly wild counsel, who flung down his brief and rushed out of court.





REY S HOLIDAY.

VATICANISM.

[CONCLUDED FROM SUPPLEMENT, PAGE 252.]

pathy the body of British Christians which, from the middle period of the reign of Elizabeth down to the earlier portion of the present century, adhered with self-denying fidelity, and with a remarkable consistency of temper and belief, to the Latin communion. I lament its formation, and I can not admit its title-deeds, but justice requires me to appreciate the high qualities which it has exhibited and sadly prolonged under sore disadvantage. It was small, and dispersed through a mass far from friendly. It was cut off from the ancient national hierarchy and the noble establishments of the national religion: it was severely smitten by the penal laws, and its reasonable aspirations for the measures that would have secured relief were mercilessly thwarted and stifled by those Popes whom they loved too well. Amidst all these cruel difficulties it retained within itself these high characteristics: it was moderate, it was brave, it was devout, it was learned, it was loyal.

In discussing, however sharply, the Vatican Decrees, I have endeavored to keep faith; and I think that honor as well as prudence required me, when offering an appeal upon public and civil grounds, to abstain not only from assailing, but even from questioning, in any manner or regard, the Roman Catholic religion, such as it stood before 1870 in its general theory, and such as it actually lived and breathed in England during my own early days, half a century ago.

It was to those members of such a body, who still cherish its traditions in consistency as well as in good faith, that I could alone, with any hope of profit, address my appeal. Who are they now? and how many? Has what was most noble in them gone the way of all flesh, together with those clergy of 1826 in England and Ireland who, as Dr. Newman tells us, had been educated in Gallican opinions?

More than thirty years ago I expressed to a near friend, slightly younger than myself, and in all gifts standing high even among the highest of his day, the deep alarm I had conceived at the probable consequences of those secessions of educated, able, devout, and in some instances most eminent men to the Church of Rome, which had then begun in series, and which continued for about ten years. I had then an apprehension, which after-experience has confirmed in my mind, though to some it may appear a paradox, that nothing would operate so powerfully upon the England of the nineteenth century as a crowd of these secessions—especially if from Oxford—in stimulating, strengthening, and extending the negative or destructive spirit in religion. My friend replied to me that at any rate there would, if the case occurred, be some compensation in the powerful effect which any great English infusion could not fail to have in softening the spirit and modifying the general attitude of the Church of Rome itself. The secessions continued, and multiplied. Some years later the author of this remark himself plunged into the flood of them. How strangely and how sadly has his estimate of their effects been falsified! They are now seen, and felt as well as seen, to have contributed every where to the progress and to the highest exaggerations of Vaticanism, and to have altered in that sense both profoundly and extensively, and by a process which gives no sign of having even now reached its last stage, the complexion of the Anglo-Roman communion.

It is hard to recognize the traditions of such a body in the character and action of the Ultramontane policy, or in its influence either upon moderation, or upon learning, or upon loyalty, or upon the general peace.

I have above hazarded an opinion that in this country it may cause inconvenience; and I have had materials ready to hand which would, I think, have enabled me amply to prove this assertion. But to enter into these details might inflame the dispute, and I do not see that it is absolutely necessary. My object has been to produce, if possible, a temper of greater watchfulness; to promote the early and provident fear which, says Mr. Burke, is the mother of necessity; to distrust that lazy way of thought which acknowledges no danger until it thunders at the doors; to warn my countrymen against the velvet paw and smooth and soft exterior of a system which is dangerous to the foundations of civil order, and which any one of us may at any time encounter in his daily path. If I am challenged, I must not refuse to say it is not less dangerous, in its ultimate operation on the human mind, to the foundations of that Christian belief which it loads with false excrescences, and strains even to the bursting.

In some of the works to which I am now offering my rejoinder a protest is raised against this discussion in the name of peace.[1] I will not speak of the kind of peace which the Roman Propaganda has for the last thirty years been carrying through the private homes of England. But I look out into the world; and I find that now, and in great part since the Vatican Decrees, the Church of Rome, through the Court of Rome and its Head, the Pope, is in direct feud with Portugal, with Spain, with Germany, with Switzerland, with Austria, with Russia, with Brazil, with most of South America: in short, with the far larger part of Christendom. The particulars may be found in—nay, they almost fill—the Speeches, Letters, Allocutions, of the Pope himself. So notorious are the facts that, according to Archbishop Manning, they are due to a conspiracy of the Governments. He might as reasonably say they were due to the Council of the Amphictyons. On one point I must strongly insist. In my Expostulation I laid stress upon the charge of an intention, on the part of Vaticanism, to promote the restoration of the temporal sovereignty of the Pope, on the first favorable opportunity, by foreign arms, and without reference to the wishes of those who were once his people. From Archbishop Manning downward, not so much as one of those who have answered me from the standing-ground of Vaticanism has disavowed this project: many of them have openly professed that they adopt it, and glory in it. Thus my main practical accusation is admitted; and the main motive which prompted me is justified. I am afraid that the cry for peace, in the quarters from which it comes, has been the complaint of the foeman scaling the walls, against the sentry who gives the alarm. That alarm every man is entitled to give, when the very subject that precipitates the discussion is the performance of duties toward the Crown and State to which we are all bound in common, and in which the common interest is so close that their non-performance by any one is an injury to all the rest.

It may be true that in human things there are great restraining and equalizing powers, which work unseen. It may be true that the men of good systems are worse than their principles, and the men of bad systems better than their principles. But, speaking of systems, and not of men, I am convinced that the time has come when religion itself requires a vigorous protest against this kind of religionism.

I am not one of those who find or imagine a hopeless hostility between authority and reason, or who undervalue the vital moment of Christianity to mankind. I believe that religion to be the determining condition of our well or ill being, and its Church to have been and to be, in its several organisms, by far the greatest institution that the world has ever seen. The poles on which the dispensation rests are truth and freedom. Between this there is a holy, a divine union; and he that impairs or impugns either is alike the enemy of both. To tear or to beguile away from man the attribute of inward liberty is not only idle, I would almost say it is impious. When the Christian scheme first went forth, with all its authority, to regenerate the world, it did not discourage, but invited, the free action of the human reason and the individual conscience, while it supplied these agents from within with the rules and motives of a humble, which was also a noble, self-restraint. The propagation of the Gospel was committed to an organized society; but in the constitution of that society, as we learn alike from Scripture and from history, the rights of all its orders were well distributed and guaranteed. Of these early provisions for a balance of Church power, and for securing the laity against sacerdotal domination, the rigid conservatism of the Eastern Church presents us, even down to the present day, with an authentic and living record. But, in the Churches subject to the Pope, clerical power, and every doctrine and usage favorable to clerical power, have been developed, and developed, and developed, while all that nurtured freedom and all that guaranteed it have been harassed and denounced, cabined and confined, attenuated and starved, with fits and starts of intermitted success and failure, but with a progress on the whole as decisively onward toward its aim as that which some enthusiasts think they see in the natural movement of humanity at large. At last came the crowning stroke of 1870: the legal extinction of Right, and the enthronement of Will in its place, throughout the Churches of one-half of Christendom. While freedom and its guarantees are thus attacked on one side, a multitude of busy but undisciplined and incoherent assailants, on the other, are making war, some upon Revelation, some upon dogma, some upon Theism itself. Far be it from me to question the integrity of either party. But as freedom can never be effectually established by the adversaries of that Gospel which has first made it a reality for all orders and degrees of men, so the Gospel never can be effectually defended by a policy which declines to acknowledge the high place assigned to Liberty in the counsels of Providence, and which, upon the pretext of the abuse that like every other good she suffers, expels her from its system. Among the many noble thoughts of Homer, there is not one more noble or more penetrating than his judgment upon slavery. “On the day,” he says, “that makes a bondman of the free,”

> “Wide-seeing Zeus takes half the man away.”

He thus judges, not because the slavery of his time was cruel—for evidently it was not—but because it was slavery. What he said against servitude in the social order, we may plead against Vaticanism in the spiritual sphere; and no cloud of incense which zeal, or flattery, or even love can raise should hide the disastrous truth from the vision of mankind.

APPENDICES.

APPENDIX A (p. 245.)

THE following are the principal Replies from antagonists which I have seen. I have read the whole of them with care, and I have not knowingly omitted in this Rejoinder any thing material to the main arguments that they contain. I place them as nearly as I can in chronological order:

1. “Reply to Mr. Gladstone.” By a Monk of St. Augustine's, Ramsgate. Nov. 15, 1874. London.
2. “Expostulation *in extremis*.” By Lord Robert Montagu. London, 1874.
3. “The Döllingerites, Mr. Gladstone, and the Apostates from the Faith.” By Bishop Ullathorne. Nov. 17, 1874. London.
4. “The Abomination of Desolation.” By Rev. J. Coleridge, S.J. Nov. 23, 1874. London.
5. Very Rev. Canon Oakeley, Letters of. Nov. 16 and 27, 1874. In the “Times.”
6. “Catholic Allegiance.” By Bishop Clifford. Clifton, Nov. 25, 1874.
7. “Pastoral Letters.” By Bishop Vaughan. Dec. 8, 1874. London. The same, with Appendices, Jan., 1875.
8. Review of Mr. Gladstone's Expostulation, in “The Month,” for Dec., 1874, and Jan., 1875. By Rev. T. B. Parkinson, S.J.
9. “External Aspects of the Gladstone Controversy.” In “The Month” of Jan., 1875.
10. “An Ultramontane's Reply to Mr. Gladstone's Expostulations.” London, 1874.
11. Letter to J. D. Hutchinson, Esq. By Mr. J. Stone Smith. Nov. 29, 1874. In the “Halifax Courier” of Dec. 5, 1874.
12. “Letter to the Right Hon. W. E. Gladstone, M.P.” By A Scottish Catholic Layman. London, 1874.
13. “Reply to the Right Hon. W. E. Gladstone's Political Expostulation.” By Monsignor Capel. London, 1874.
14. “A Vindication of the Pope and the Catholic Religion.” By Mulhallen Marum, LL.B. Kilkenny, 1874.
15. “Catholicity, Liberty, Allegiance: a Disquisition on Mr. Gladstone's Expostulation.” By Rev. John Curry. Jan. 1, 1875. London, Dublin, Bradford.
16. “Mr. Gladstone's Expostulation Unraveled.” By Bishop Ullathorne. London, 1875.
17. “Sul Tentativo Anticattolico in Inghilterra, e l'Opuscolo del Onᵐᵒ Sig. Gladstone.” Di Monsignor Francesco Nardi. Roma, 1875.
18. “A Letter to his Grace the Duke of Norfolk, on Occasion of Mr. Gladstone's recent Expostulation.” By John Henry Newman, D.D., of the Oratory. London, 1875.
19. “The Vatican Decrees in their Bearing on Civil Allegiance.” By Henry Edward, Archbishop of Westminster. London, 1875.
20. “The Dublin Review,” Art. VII. London, Jan., 1875.
21. “The Union Review,” Art. I. By Mr. A. P. De Lisle. London, Feb., 1875.

I need not here refer particularly to the significant letters of favorable response which have proceeded from within the Roman Catholic communion, or from those who have been driven out of it by the Vatican Decrees.

APPENDIX B (p. 245).

“I lament not only to read the name, but to trace the arguments of Dr. Von Döllinger in the pamphlet before me.”—*Apb. Manning, Letter to the “Times,” Nov. 7, 1874; “Vatican Decrees,”* p. 4.

Justice to Dr. Von Döllinger requires me to state that he had no concern, direct or indirect, in the production or the publication of the tract, and that he was, until it had gone to press, ignorant of its existence. Had he been a party to it, it could not have failed to be far more worthy of the attention it received.

Bishop Ullathorne goes further, and says of Dr. Von Döllinger that “he never was a theologian.”—*Letter*, p. 10.

Then they have made strange mistakes in Germany.

Werner, a writer who I believe is trustworthy, in his “Geschichte der Katholischen Theologie,” 1866, is led by his subject to survey the actual staff and condition of the Roman Church. He says, p. 470:

> “Almost for an entire generation Dr. J. Von Döllinger has been held *the most learned theologian of Catholic Germany;* and he indisputably counts among the greatest intellectual lights that the Catholic Church of the present age has to show.”

I cite a still higher authority in Cardinal Schwarzenberg, Archbishop of Prague. On May 25, 1868, he addressed a letter to Cardinal Antonelli, in which he pointed out that the theologians who had been summoned from Germany to the Council were all of the same theological school, and that for the treatment of dogmatic matters it was most important that some more profound students, of more rich and universal learning, as well as sound in faith, should be called. He goes on to suggest the names of Hefele, Kuhn, and (with a high eulogy) Von Döllinger.

The strangest of all is yet behind. Cardinal Antonelli, in his reply, dated July 15, receives with some favor the suggestion of Cardinal Schwarzenberg, and says that one of the three theologians named would certainly have been invited to the Council had not the Pope been informed that, if invited, he would decline to come. That one was Dr. Von Döllinger.

I cite the original documents, which will be found in Friedrich's “Documenta ad illustrandum Conc. Vat., pp. 277–80.

APPENDIX C (p. 246).

As I have cited Schrader elsewhere, I cite him here also, simply because he translates (into German) upon a different construction of the Seventy-third Article of the Syllabus from that which I had adopted, and makes a disjunctive proposition out of two statements which appear to be in effect identical. In English, his conversion of the article runs as follows:

> “Among Christians no true matrimony can be constituted by virtue of a civil contract; and it is true that either the marriage contract between Christians is a sacrament, or that the contract is null when the Sacrament is excluded.
>
> “Remark. And, on this very account, is every contract entered into between man and woman, among Christians, without the Sacrament, in virtue of any civil law whatever, nothing else than a shameful and pernicious concubinage, so strongly condemned by the Church; and therefore the marriage bond can never be separated from the Sacrament.”[1]

The sum of the matter seems to be this: Wherever it has pleased the Pope to proclaim the Tridentine Decrees, civil marriage is concubinage. It is the duty of each concubinary (or party to concubinage), with or without the consent of the other party, to quit that guilty state. And as no law of Church or State binds a concubinary to marriage with the other concubinary, he (or she) is free, so far as the Church of Rome can create the freedom, to marry another person.

APPENDIX D (p. 248).

I do not think myself called upon to reply to the statements by which Bishop Vaughan has sought (“Pastoral Letter,” pp. 35–7) to show that the fear of civil war ultimately turned the scale in the minds of the chief Ministers of 1829, and led them to propose the Bill for Emancipation. First, because the question is not what influences acted at that moment on those particular minds, but how that equilibrium of moral forces in the country had been brought about which made civil war, or something that might be called civil war, a possibility. Secondly, because I am content with the reply provided in the *Concio* of Archbishop Kenrick, c. viii. See “Friedrich's Documenta ad illustrandum Concilium Vaticanum,” vol. i. p. 219. The statements would, in truth, only be relevant if they were meant to show that the Roman Catholics of that day were justified in making false statements of their belief in order to obtain civil equality, and that, as those statements did not avail to conciliate the Ministers of 1829, they then naturally fell back upon the true ones.

To show, however, how long a time had to pass before the poison could obtain possession of the body, I point, without comment, to the subjoined statement, anonymous, but, so far as I know, uncontradicted, and given with minute particulars, which would have made the exposure of falsehood perfectly easy. It is taken from the “Cornish Telegraph” of Dec. 9, 1874, and is signed Clericus. It follows a corresponding statement with regard to America, which is completely corroborated by Archbishop Kenrick in his *Concio:* see “Friedrich's Documenta,” i. 215.

> “Of a painful alteration in another popular work, Keenan's ‘Controversial Catechism’ (London, Catholic Publishing and Book-selling Company, 58 New Bond Street), I can speak from two gravely differing copies, both professedly of the same edition, now lying before me. This is so singular a case that I venture to give it in a little detail. Keenan's ‘Catechism’ has been very extensively used in Great Britain and America. In his preface to the third edition the author speaks of it as ‘having the high approbation of Archbishop Hughes, the Right Rev. Drs. Kyle and Carruthers, as well as the approval of the Right Rev. Dr. Gillis and the Right Rev. Dr. Murdoch.’ These last-named four ecclesiastics were vicars-apostolic of their respective districts in Scotland, and their separate episcopal approbations are prefixed to the ‘Catechism;’ those of Bishops Carruthers and Kyle are dated respectively 10th and 15th April, 1846; those of Bishops Gillis and Murdoch, 14th and 19th November, 1853.
>
> “Thus this work was authenticated by a well-known American archbishop and four British bishops thoroughly familiar with the teaching of their Church, long before Archbishop Manning joined it. Now at page 112 of one of my copies of the ‘new edition, corrected by the author, twenty-fourth thousand,’ are the following question and answer:
>
> “‘*Q.* Must not Catholics believe the Pope in himself to be infallible?’
>
> “‘*A.* This is a Protestant invention; it is no article of the Catholic faith; no decision of his can oblige, under pain of heresy, unless it be received and enforced by the teaching body, that is, by the bishops of the Church.’
>
> “It would be satisfactory if Archbishop Manning would explain how his statement to Mr. Bennett squares with this statement of Keenan's, and with that of the 50 *Reasons*.
>
> “But, further, it would be highly satisfactory if Archbishop Manning, or some representative of the ‘Catholic Publishing and Book-selling Company’ would explain how it came to pass that, on the passing of the Vatican decree, apparently while this very edition of Keenan's ‘Catechism’ was passing through the press, the above crucial question and answer were quietly dropped out, though no intimation whatsoever was given that this vital alteration was made in the remainder of the edition. Had a note been appended, intimating that this change had become needful, no objection, of course, could have been made. But no word has been inserted to announce, or explain, this omission of so material a passage; while the utmost pains have been taken, and, I must add, with great success, to pass off this gravely altered book as being identical with the rest of the edition. The title-pages of both copies alike profess that it is the ‘new edition, corrected by the author’ (who was in his grave before the Vatican Council was dreamed of); both profess to be of the ‘twenty-fourth thousand;’ both have the same episcopal approbations and prefaces; both are paged alike throughout; so that, from title-page to index, both copies are apparently identical. I have very often placed both in the hands of friends, and asked if they could detect any difference, but have always found they did not. The Roman Catholic booksellers, Messrs. Kelly and Messrs. Gill, in Dublin, from whom I purchased a number of copies in August, 1871, were equally unaware of this change; both believed that the Publishing Company had supplied them with the same book, and both expressed strongly their surprise at finding the change made without notice. Another Dublin Roman Catholic bookseller was very indignant at this imposition, and strongly urged me to expose it. It is no accidental slip of the press; for while all the earliest copies of the edition I bought from Messrs. Kelly contained the question and answer, they were omitted in all the later copies of Messrs. Gill's supply. The omission is very neatly, cleverly made by a slight widening of the spaces between the questions and answers on page 112 and the beginning of page 113; so skillfully managed that nobody would be at all likely to notice the difference in these pages of the two copies, unless he carefully looked, as I did, for the express purpose of seeing if both alike contained this question and answer.”

APPENDIX E (p. 248).

Extract from “The Catholic Question;” addressed to the Freeholders of the County of York on the General Election of 1826, p. 31.

> “The Catholic religion has three great eras; first in its commencement to the Dark Ages; then from the middle centuries down to the Reformation; and lastly from the Reformation to the present day. The Popish religion of the present day has scarcely any resemblance with its middle stage; its powers, its pretensions, its doctrines, its wealth, and its object are not the same; it is a phantom, both in theory and practice, to what it once was; and yet the bigots draw all their arguments from the Middle Ages, and, passing all the manifest alterations of modern times, set up a cry about the enormities of times long past, and which have been dead and buried these three hundred years. This unjust conduct is just the same as if you were to hang a faithful, tried domestic, who had served you forty years, because he had committed some petty theft when he was a boy. It is the most illiberal and the most unjustifiable mode of arguing, and if applied to the Church of England, would reduce it to a worse case than that of her old rival.”

The “bigots,” who are here charged by the Liberal electors of Yorkshire with reviving mediæval Romanism, are not Vaticanists, but Protestant bigots, whose sinister predictions the Vaticanists have done, and are doing, their best to verify.

Both by reason of the language of this extract, and of its being taken out of the actual working armory of one of the great electioneering struggles for the County of York, which then much predominated in importance over every other constituency of the United Kingdom, it is important. It shows by direct evidence how the mitigated professions of the day told, and justly told, on the popular mind of England.

APPENDIX F (p. 248).

I. From the Decree.

“Et primo declarat, quod ipsa in Spiritu Sancto legitimè congregata, concilium generale faciens, et ecclesiam Catholicam repræsentans, potestatem a Christo immediatè habet, cui quilibet cujusque statûs vel dignitatis, etiam si papalis existat, obedire tenetur *in his quæ pertinent ad fidem* et extirpationem dicti schismatis, et reformationem dictæ ecclesiæ in capite et in membris."—Conc. Const. Sess. v.; Labbe et Cossart, tom. xii. p. 22.

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[1] Dr. Capel, p. 48. Archbishop Manning, p. 197.

[1] Schrader, Heft II. p. 79. Wien, 1865.

II. From the account of the Pope's confirmation.

"Quibus sic factis, sanctissimus dominus noster papa dixit, respondendo ad prædicta, quod omnia et singula determinata conclusa et decreta *in materiis fidei* per præsens concilium, conciliariter tenore et inviolabiliter observare volebat, et nunquam contraire quoquo modo. Ipsaque sic conciliariter facta approbat et ratificat, et non aliter, nec alio modo."—Conc. Const. Sess. xlv.; Labbe et Cossart, tom. xii. p. 258.

APPENDIX G (p. 249).

Labbe, Concilia, x. 1127, ed. Paris, 1671, Canon II.

"*Obedite præpositis vestris, et subjacete illis; ipsi enim pervigilant pro animabus vestris, tanquam rationem reddituri:* Paulus magnus Apostolus præcepit. Itaque beatissimum Papam Nicolaum tanquam organum Sancti Spiritus habentes,[1] necnon et sanctissimum Hadrianum Papam, successorem ejus, definimus atque sancimus, etiam omnia quæ ab eis synodicè per diversa tempora exposita sunt et promulgata, *tam pro defensione ac statu Constantinopolitanorum ecclesiæ, et summi sacerdotis ejus, Ignatii videlicet, sanctissimi Patriarchæ, quam etiam pro Photii, neophyti et invasoris,* expulsione ac condemnatione, *servari semper et custodiri cum expositis capitulis immutilata pariter et illæsa.*"

The Canon then goes on to enact penalties.

APPENDIX H (p. 250).

It appears to me that Archbishop Manning has completely misapprehended the history of the settlement of Maryland, and the establishment of toleration there for all believers in the Holy Trinity. It was a wise measure, for which the two Lords Baltimore, father and son, deserve the highest honor. But the measure was really defensive, and its main and very legitimate purpose plainly was to secure the free exercise of the Roman Catholic religion. Immigration into the colony was by the Charter free: and only by this and other popular provisions could the territory have been extricated from the grasp of its neighbors in Virginia, who claimed it as their own. It was apprehended that the Puritans would flood it, as they did: and it seems certain that but for this excellent provision the handful of Roman Catholic founders would have been unable to hold their ground. The facts are given in Bancroft's "History of the United States," vol. i. chap. vii.

I feel it necessary, in concluding this answer, to state that Archbishop Manning has fallen into most serious inaccuracy in his letter of November 10 (p. 6), where he describes my Expostulation as the first event which has overcast a friendship of forty-five years. I allude to the subject with regret, and without entering into details.

THE END.

RELIGIOUS INTELLIGENCE.

Calendar.

MARCH.

Sunday,	21.—Sunday before Easter.
Thursday,	25.—Annunciation B. V. M.
Friday,	26.—Good-Friday.
Saturday,	27.—Easter-Even.
Sunday,	28.—Easter-Day.

APRIL.

Sunday,	4.—First Sunday after Easter.
Sunday,	11.—Second Sunday after Easter.
Sunday,	18.—Third Sunday after Easter.
Sunday,	25.—St. Mark, the Evangelist; Fourth Sunday after Easter.

Messrs. Moody and Sankey have opened their meetings in Liverpool. On Sunday, at 8 A.M., 6000 persons attended in the new building erected for their use. In the afternoon and evening the crowds filled all the available space. The evangelists returned one day to Birmingham to bid farewell to the converts they had made during the fortnight spent there. They also paid a flying visit to London, where a crowded meeting was held in Freemasons' Hall to arrange preliminaries. It was proposed to engage some of the theatres for their services. Mr. Moody stated that Agricultural Hall had been secured for two weeks, and Exeter Hall for two months, for the daily prayer-meeting. The city would be divided into four sections, and they would spend a month in each. He suggested the erection of buildings capable of holding 10,000 persons each. Mr. Moody denied that he and his associate were making a "speculation" of their movement. It was stated that they were realizing £8000 to £10,000 a year. This he said was not true. They had only a royalty of £100 on every million of hymn-books sold, which they would hand over to be applied for religious purposes. He did not wish the London committee to give them a farthing. They had money, and were not coming to London to get money.

After his address at this meeting Mr. Moody was subjected to a running fire of questions, mostly put by clergymen of the state Church. One asked if he estranged people from the Communion. Mr. Moody replied that he had nothing to do with the ordinances; he should preach the old-fashioned Gospel. A clergyman who announced himself as "a red-hot ritualist" asked if he and those who held his views would be at liberty to take part in the work of the inquiry meetings, and also whether the converts who belonged to their congregations would be sent to them for further guidance. Mr. Moody declined to take on himself the responsibility of answering this question, and said that its decision would be left to the committee. The chairman of the meeting was then appealed to, but he also declined to answer. "This," says the correspondent of the *Christian World*, "led to great confusion, and impaired at once the order, dignity, and usefulness of the meeting. The contrast between the frank and courageous deportment of the ritualistic questioner and the timid and hesitating committee, who refused to give a plain answer to a plain question, was exceedingly painful. Strong dissatisfaction was expressed by many of the Non-conformist ministers, including Mr. Tymms, of Clapton (Baptist), Mr. Conway, of Walthamstow (Congregationalist), and Mr. Llewelyn Bevan, who condemned the course adopted in this matter as not straightforward and manly. Mr. Cuff (Baptist) asked Mr. Moody to print his creed before he came to London. Mr. Moody replied, amidst great cheering and laughter, that it was already in print, and in a much better form than he could put it, in the fifty-third chapter of Isaiah."

Archbishop Manning has been summoned to Rome—rumor says to be made a cardinal.

Religious disturbances have broken out in Buenos Ayres. The archbishop's palace has been sacked, and the house of the Jesuits burned.

Under date of March 4, the Atlantic cable reports that the new Church law, of which an abstract was given in this Intelligence last week, has been brought before the Prussian Diet. It takes the control of church property from the bishops, and commits it to the keeping of the parishes, and, in the last resort, to the President of the Province.

The deputation of the British Evangelical Alliance which was refused an audience of the Sultan of Turkey sent a protest against the refusal to the Grand Vizier. The Turkish journals of Constantinople are very violent against the Protestant and Jesuit missionaries, and demand their expulsion.

With regard to the refusal to receive the deputation, the Turkish embassador in London has written a letter to the Hon. Arthur Kinnaird. He advised, he says, the representatives of the Alliance before they started that their undertaking was impracticable. He denies the existence of persecution in Turkey, or of any intention to prohibit the buying and selling of the Bible. The police authorities will, however, prohibit colportage or gratuitous distribution in the streets, in order to prevent public disorders. While freedom of conscience will always be respected in Turkey, the embassador does not think that the government will consent to support proselytism in favor of any particular creed.

The Bishop of Peterborough has brought into Parliament a bill for the abolition of simony. A bill has also been introduced for the abolition of ecclesiastical patronage in Scotland.

It is announced that Signor Pasquale Franciscis, of Rome, is preparing a reply to Mr. Gladstone's *Quarterly Review* article on the Pope's speeches. A third volume of the speeches will soon be issued.

A correspondent of the *Watchman and Reflector* claims that Mr. Henry Varley, the English lay evangelist, who has been for six months past preaching in Canada and the United States, is one of the "trophies" of the London Young Men's Christian Association. The story is this: In the year 1857 a representative of the Association met him in Trafalgar Square, directed his attention to personal religion, and the same evening accompanied him to the chapel of the Rev. Baptist W. Noel, by whom he was subsequently baptized. He was in time made one of a committee of the church charged with conducting lay preaching at mission stations, and in this service developed his capabilities as a speaker. Since 1864 he has given up business, and has been the pastor of a large Baptist chapel at Notting Hill, London. Here he serves the people without fee or reward. Though a pastor, Mr. Varley is still a layman. He has of late been conducting meetings in the Lafayette Avenue Presbyterian Church, Brooklyn (Dr. Cuyler's).

The University of Leyden, which did so much for the cause of Protestantism in Holland, and was also the centre of the struggle between the Arminians and Calvinists, celebrated its three-hundredth anniversary on February 8. The King and Queen of the Netherlands were present. Various honorary degrees were conferred upon foreign scholars, among them one American, Mr. Newcomb, of Washington.

In his Lenten Pastoral, Cardinal Cullen, of Ireland, devotes a paragraph to Mr. Gladstone. He thinks that the ex-Premier has injured his good name and alienated many of his best friends by copying the spirit and arguments of the German opposers of the Church. He says: "It is now proved beyond contradiction that the formidable arguments which were to inflict a deadly wound on the Pope's infallibility and the Vatican Council are nothing more than misrepresentations of the opinions of Catholic writers, or of papal decrees and decisions, or of sophisms of Jesuits or other sectarians, refurbished by a German theologian, who, abandoning the paths of his youth, has fallen away in his old age into the mazes of heresy. All I shall say is that gratitude for past services should induce us to pray to God to open the eyes of this great statesman."

It is very clear from this and other answers to Mr. Gladstone that he has compelled the Roman Catholic dignitaries to look the consequences of the Vatican doctrines fairly in the face, and has thereby troubled them exceedingly.

It is announced that the Rev. William Taylor, whose great successes as a missionary evangelist in Australia, South Africa, and India have already been noticed, is about to return to the United States for reinforcements. He has of late, with his assistants, been laboring in Bengal.

There is a strong disposition shown to push Cardinal Rauscher for the next succession to the papacy. He is Archbishop of Vienna, was tutor to the Emperor Francis Joseph, is an ultramontane of course, but a prelate distinguished for his culture and moderation. Austria, however, declines to promote his nomination, from the fear that it might be held responsible by Germany, in case of his election, for his policy toward that empire.

The question of the exemption of church property from taxation has for some time been very actively discussed in Rhode Island. The legislative committee in charge of the subject have had before them the Roman Catholic and Protestant Episcopal bishops, the president of Brown University, and the pastors of the leading churches in the State. It is thought that the result will be some modification of the law of 1690.

The provincial Synods of the Protestant State Church of Prussia, recently created by law, are holding their first meetings. Below them in grade are the district Synods, and above them is the national Synod. It becomes possible now to ascertain the relative strength of the orthodox and the rationalistic parties in the Church. In Pomerania, Silesia, and Eastern Prussia the orthodox delegates predominate; in Posen the rationalist; in the Brandenburg Synod the conflict between the two parties is sharp. In the latter a motion declaring all who denied the divinity of Christ to be excluded "from every office of Christian teaching in the province" was at first ruled out, but afterward admitted. In an address to the Brandenburg delegates the Emperor counseled peace, and declared himself uncompromisingly orthodox. He said: "It will not be so hard a thing to labor in peace for the Church if you keep yourselves upon the foundations of Christian faith—faith in God and in the Godhead of Christ. For, indeed, unless we hold firmly to this, we can not any longer be Christians at all. In this capital especially there have been efforts put forth, and more than mere efforts, which amount to a denial of the Deity of Christ. We have found out to what these have been leading, when God the Lord and the Son of God as well have been repealed by decree, and then again reinstated! There is great need, therefore, that Church life in the existing faith be cherished in the land, as my forefathers always cherished it, and as you have reminded me."

The Shakers of Mount Lebanon are sufferers from a second fire, which, on February 28, destroyed the Herb House. The loss is estimated at $50,000.

Objection has been made to the confirmation of the Rev. Dr. T. A. Jaggar, as Bishop of the Protestant Episcopal diocese of Southern Ohio, on the ground that in June, 1871, he with others signed a letter expressive of sympathy with Dr. Cheney in his conflict with Bishop Whitehouse. The signers of the letter say, "We maintain your right to such decision and action as that for which you have been punished by an ecclesiastical sentence, as a right which many others of the clergy of the Protestant Episcopal Church, experiencing similar difficulties, have habitually exercised." To this Dr. Jaggar has replied through a letter to Bishop Stevens, of Pennsylvania, in which he declares that he did not mean, in signing the address to Dr. Cheney, to countenance him in his resistance to the decision of a Church court. He adds: "It is scarcely necessary to assure you, my dear bishop, that I should not have accepted the call which involves for me so much sacrifice if I had not believed that I could promise 'conformity to the doctrine, discipline, and worship of the Protestant Episcopal Church' with a true and loyal heart."

HOME AND FOREIGN GOSSIP.

The past winter (we say *past* merely for the sake of verbal accuracy—spring thus far is only winter continued) has been a jolly one for Canadian skaters. They have thoroughly enjoyed the ice, and have successfully managed some brilliant entertainments, which awakened much public interest. Some time in January the Victoria Skating Club of Montreal gave a masquerade ball in the rink, the smooth ice being the dancing floor. More recently the Montreal Club have had a grand tournament on the ice. The afternoon of the appointed day, February 25, was devoted to contests between ladies and young girls and boys. The rink was tastefully decorated with flags of all nations, the ice was in splendid condition, and the judges occupied a crimson-covered dais, which commanded a full view of the icy field. The National Band also was in attendance. The competitors in the first race were two young girls under fifteen, between whose rapid and graceful movements, as they executed fancy figures, it was almost impossible to decide which was superior. The young girls closed their performance by a waltz. The next competition was between two ladies, whose skillful execution of intricate movements and graceful waltzing was regarded as equal to any thing of the kind ever witnessed, and was greeted with "thunders of applause" by the thousands of spectators. Then followed a contest between four boys, to the youngest of whom the prize—a set of gold studs and solitaires—was awarded. Prizes were also given in the previous contests. In the evening the rink was more crowded than in the afternoon, and numerous chandeliers and lamps of variegated colors added much to the brilliancy of the scene. Five gentlemen entered the lists—the prize being a fine gold medal of elegant workmanship. The programme to be skated numbered twenty-seven different figures, and was a trial of skill and endurance calculated to tax the nerve of the competitors to the utmost. The gentlemen skated singly, each going through four or five numbers, and giving place to his successor, and so on through the programme, when came the specialties; the contestants then individually displayed their skill in fancy skating of whatever kind they chose. The performance of each was so elegant and skillful that the judges found the greatest difficulty in deciding to whom to award the medal. It required the nicest discrimination on their part, for they averred that "the skating throughout was superb, and in many points such as had not been seen in Canada for a long while."

In the literary department of the Michigan University there are sixty-nine ladies, and forty-eight in the medical department. The whole number of students, at the last reports, was 1191. The university library contains 22,500 volumes.

A "weather man" in New Haven has been searching among the records for a colder winter than the past has been. He announces that 1741 *was* colder, and we will not dispute his word, as we do not have a distinct remembrance of that season. However, it is on record that in 1741 the whole country was covered with snow as early as November 9, and that when April came the fences still were covered with it. It is stated in the annals of Lynn, Massachusetts, that "Francis Lewis, the signer of the Declaration of Independence, drove his horse from New York to Barnstable, the whole length of Long Island Sound, on the ice." The ice extended into the sound as far as could be seen from the town of New London. And as late as July 17 there was snow in a mass nearly four feet thick in the town of Ipswich, Massachusetts. We suppose if there had been any "Glorious Fourth" that year, the boys would have fired snow-balls instead of Chinese crackers.

One "maid-of-all-work" seems far better than a dozen servants, as English household matters are presented in the *Court Circular*. It is there stated that a lady having twelve servants in her house gave a small article of dress, composed of muslin and lace, to her "lady's-maid" to wash. The lady's-maid passed it to the laundry-maid on the plea that the article was muslin, and belonged to her department. The laundry-maid declined to do it because it was lace, and, as such, must be "got up" by the lady's-maid. As neither would do it, the mistress ordered the necessary appliances to be got ready, and herself descended to the laundry and washed the article.

New England fishermen have suffered unusual hardships during the present season. A whole fleet of fishing vessels off Cape Cod has been for weeks blockaded from the shore, the crews in danger of perishing from hunger, if not from cold. Many abandoned their vessels and reached land over the ice. Others have been supplied with food by the efforts of brave men. As an indication of the perils that New England fishermen undergo, it may be mentioned that since 1830 no less than twelve hundred men have been lost belonging to the little town of Gloucester, on the Massachusetts coast.

Few men have so much Christian consideration as a certain London minister, who, having been taken ill of small-pox in his pulpit, insisted on being carried to the hospital in a passing hearse, rather than in a cab, lest thereby the loathsome disease should be communicated to others.

The investigation of the recent disaster at St. Andrew's Church has revealed some instances of heroism among the sufferers worthy of remembrance and honor. A fireman who entered the church after a large part of the people had escaped from the building heard some one crying out in the gallery. On going up he found Patrick Lavelle fastened by beams in a stooping posture and profusely bleeding. The fireman said he would try to release him.

"Don't mind me," replied the brave man; "get that woman out first."

"Where is she?" asked the fireman.

"There, right under you," said Patrick.

But the woman was found to be dead; and when poor Patrick was released, his spine was found to be fractured. He was removed to the Park Hospital, and every care bestowed upon him, but up to this time has been in a sinking condition.

In *The Maid of Killeena, and Other Stories*, Mr. Black has given his readers some delightful tales. The style is charming; and when one is tired, but wants a little mental recreation before going to sleep at night, one of these stories is just the thing to read.

The Mont Cenis Tunnel cost £195 a yard, and at that rate it is estimated that the Channel Tunnel between England and France would cost about £7,450,400.

One Mrs. Moore, of Mountain Hill, Harris County, Georgia, last year raised by her own labor one bale of cotton. She plowed the land, hoed the cotton, picked it, carried it to market, and with the money for which she sold it purchased such goods as she needed. Mrs. Moore is *seventy-five* years old, and, as a local newspaper says, she "is a better 'man' than thousands of youngsters in Georgia, who curse lazy negroes, and would not plow an acre of land or make a bale of cotton if the land and material for so doing were furnished gratis."

The State game-laws will be enforced by the New York Association for the Protection of Game. Until the 1st of next September partridges and prairie-chickens are to be protected from all assaults, and quails are not to be molested until after the 20th of October.

Louisa Alcott recently received a letter from a good old lady in Amsterdam, who wrote in quaint broken English to thank "the Lady Louisa" for the pleasure she had received in reading her books.

The "Irish Giant"—otherwise James Murphy—recently died in Baltimore of consumption. He was thirty-three years old, nearly eight feet in height, and weighed, a short time before his death, 351 pounds. In health he weighed more. The "giant" had traveled through the country as one of the great curiosities of the world. He had a pleasant face, and was of amiable disposition. One of his hands could cover the head of a large man just as an ordinary hand covers an orange. His feet, though immense, were not so large proportionately as his hands. He was generally known in the neighborhood where he lived as the "giant," and was so good-natured that he was quite popular among the children. His father was six feet high, and his mother a woman of medium size. They had eight children, some of whom were undersized. One besides the "giant" was six feet in height.

An English professor has reported some curious statistics in regard to the proportion of live stock to the population in the most prominent countries in the world. It appears that Great Britain has one cow to every twelve persons, a sheep for every body, and one pig for every six. France has a like proportion of sheep, a double share comparatively of cows, but only one pig to every six persons. The Swedes have a cow between three and one-half of them, a sheep between two and three-quarters, and a pig to a baker's dozen. There are as many sheep as there are Norwegians in Norway when they are all at home, and two and one-half of them—the Norwegians—are entitled to a cow; they can have only one-eighteenth of a pig each. Denmark has a cow for three persons, as many sheep as persons, and a pig for four and three-quarter persons. Prussia, with her usual uniformity, has an equal number of cows and pigs, one to every five inhabitants, besides a sheep apiece all round. Austria has a cow to six persons, and a sheep and a pig to every five persons. Switzerland runs up to the Swedish standard on cows, one to three and one-half persons, and has a sheep for five, and a pig for every seven and one-half persons. Omitting the records of many smaller countries, it is interesting to know that we Americans have a cow for every four of us, a sheep apiece, and a pig to every one and one-half.

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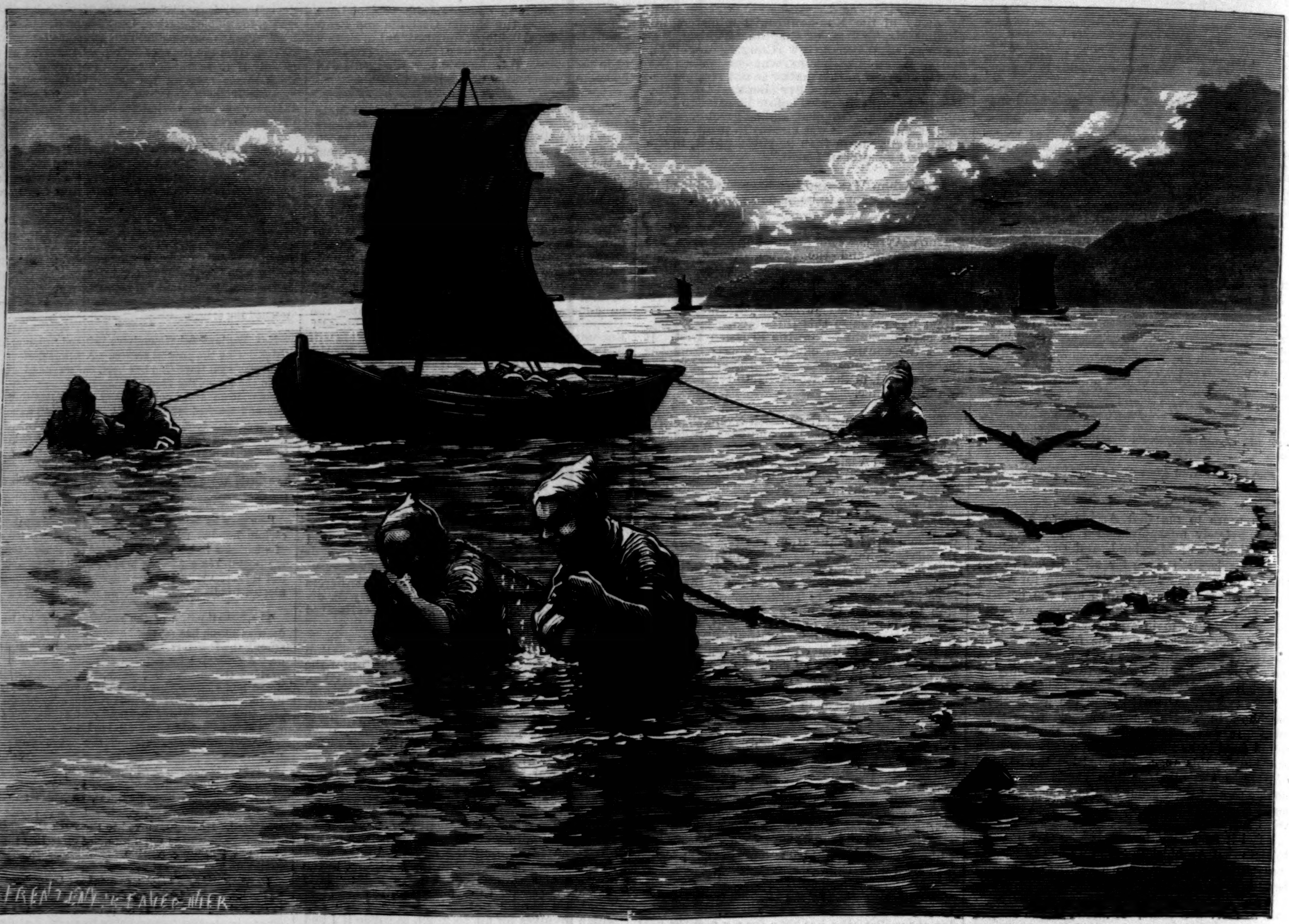
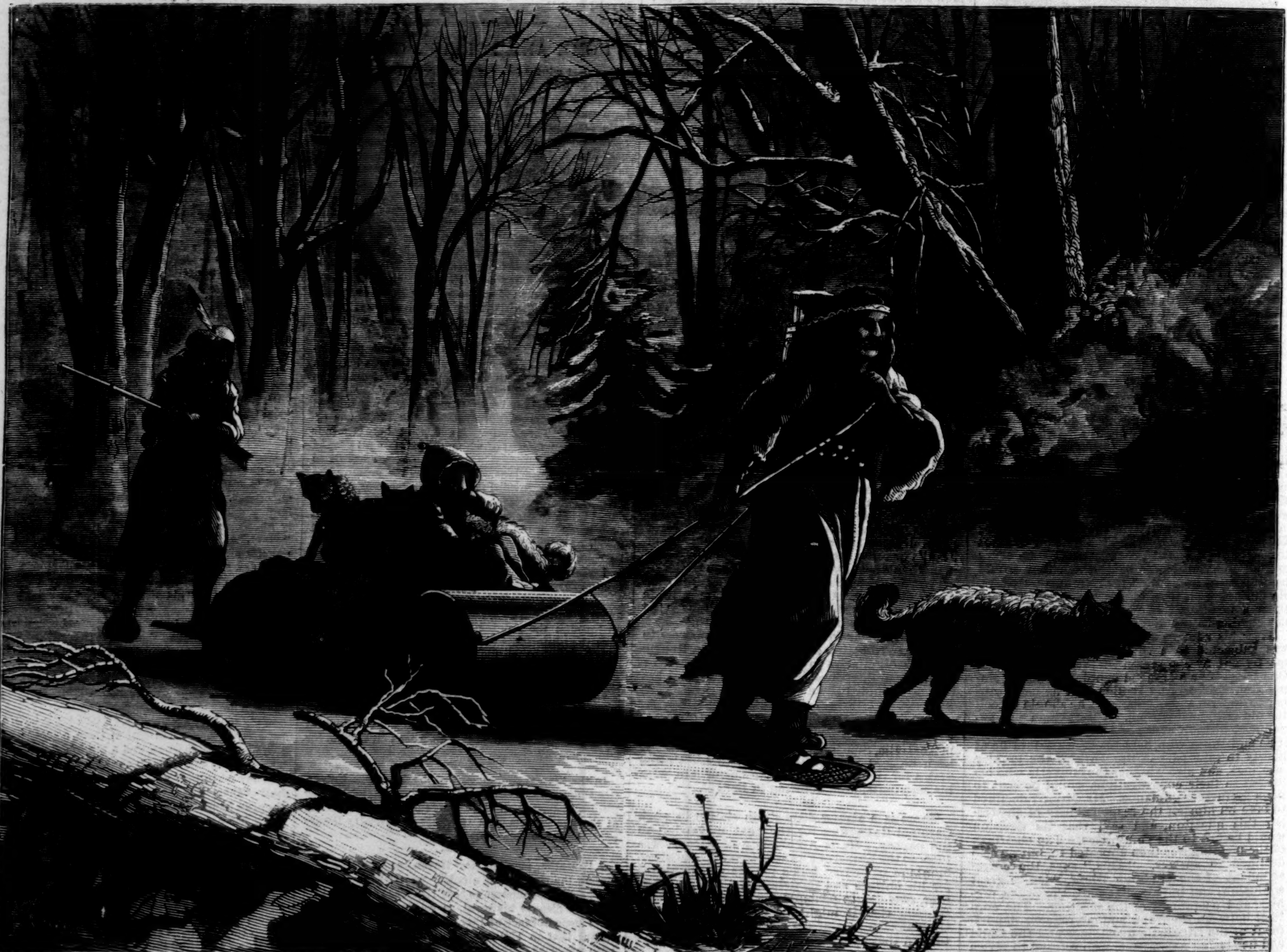
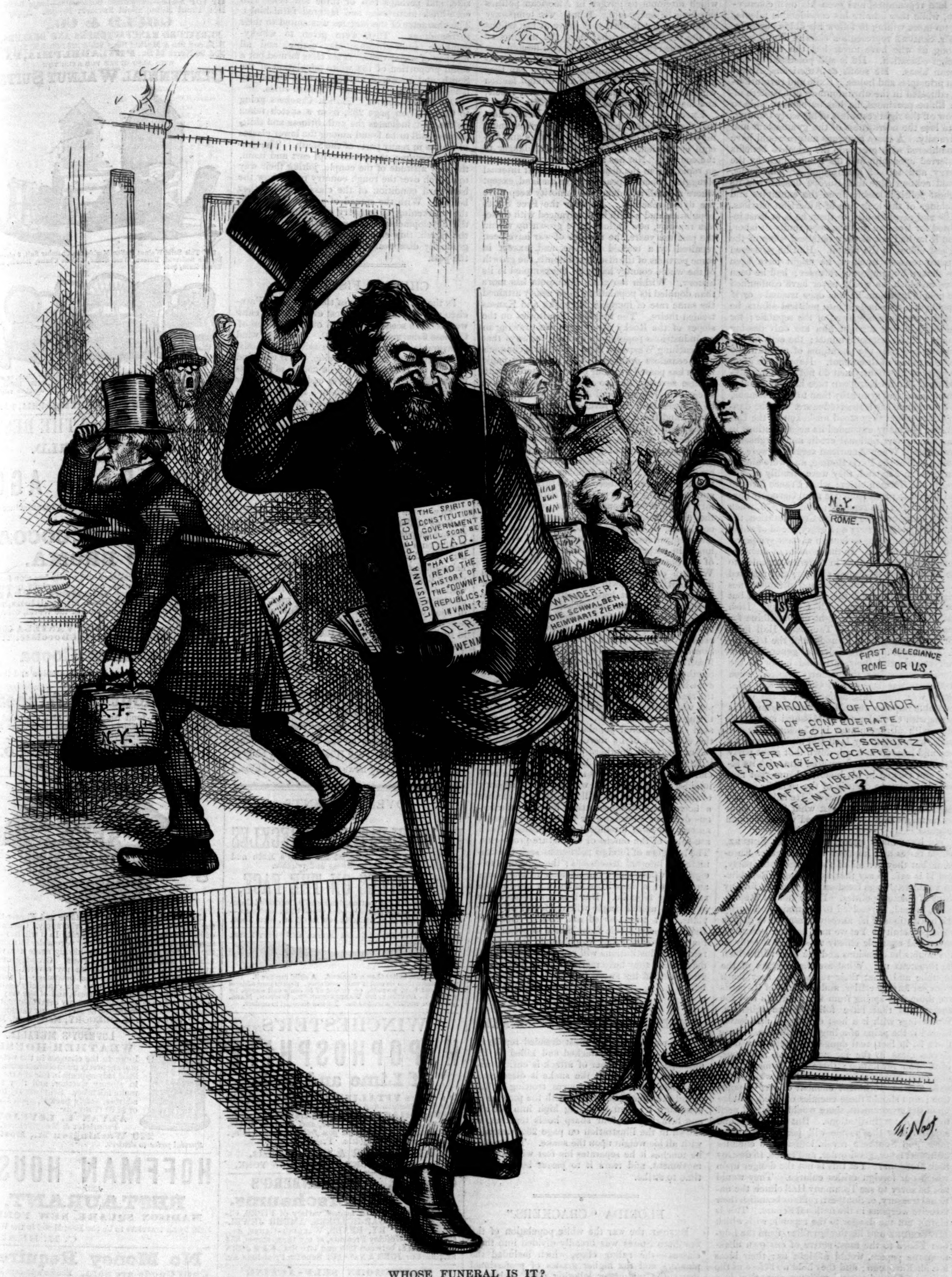
[1] In the Greek, *ibid.* p. 1167, ὡς ὄργανον τοῦ ἁγίου Πνεύματος ἔχοντες.



CHINESE FISHERMEN IN SAN FRANCISCO BAY.—DRAWN BY FRENZENY AND TAVERNIER.—[SEE PAGE 242.]



INDIAN SLEDGE JOURNEY.—DRAWN BY WILLIAM M. CARY.—[SEE PAGE 242.]


R.F.
N.Y.
LOUISIANA SPEECH.
THE SPIRIT OF CONSTITUTIONAL GOVERNMENT WILL SOON BE DEAD.
"HAVE WE READ THE HISTORY OF THE "DOWNFALL OF REPUBLICS." IN VAIN?
GERMAN VOTE.
DER WENN
WANDERER.
DIE SCHWALBEN HEIMWARTS ZIEHN.
MISSOURI
N.Y. OR ROME.
FIRST ALLEGIANCE ROME OR U.S.
PAROLE OF HONOR. OF CONFEDERATE SOLDIERS.
AFTER LIBERAL SCHURZ EX.CON. GEN. COCKRELL. MIS.
AFTER LIBERAL FENTON ?
Th. Nast

WHOSE FUNERAL IS IT?

Herr Carl Schurz. "Let the hundredth anniversary of the Republic be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions. To play at republic would then be a mockery."

Our Republic. "You need *not* go in mourning for me yet."

MR. CARL SCHURZ, having lost office and emolument, the regard of the patriotic, and even the confidence of his own countrymen, begins now to despair of the republic. He scarcely hopes to see it survive the Centennial of 1876, or outlive the disappearance of that feeble faction, of which he has been a conspicuous leader, which has delivered Missouri into the power of the Confederates, and which vainly strove in 1872 to perform the same service for the nation. With brave and boastful promises, Mr. SCHURZ and his followers prepared to divide the Republican party, allied themselves with Confederates and ultramontanes, became the champions of ignorance, the avengers of slavery, and were cast aside with scorn in every free State as untrue to the sacred cause of human equality. The party which they had hoped to betray rose into unexampled strength, the party with which they allied themselves betook itself to murders and assassinations in the savage districts of the South, and the country still suffers from the barbarism and malice of that cruel faction which Mr. SCHURZ hoped for a moment to place in power. He now, it seems, despairs of freedom, or possibly for himself. No more rich embassies like those he won by persistent application from the care-worn LINCOLN, nor those he failed to win from the present administration, nor lucrative major-generalships, nor Senatorships, nor golden hopes of them, await the unlucky exile. The Confederates have driven him from the Legislature he gave into their hands, the people are nowhere willing to accept his late repentance, and even his own countrymen, while they admire his considerable talents, are no more willing to follow his fickle counsels.

Mr. Schurz represents a class of immigrants among us who have never lost the traits of a foreign education. He is still possessed by European ideas. He scoffs at Americans, American principles and hopes. Exile and revolutionist, educated in the ultramontane atmosphere of the Rhine provinces, he has never been able to throw off the rigid restraints of his early training, or to lose the narrowness of the gymnasium and university. A more generous nature would have remembered with gratitude the priceless benefits conferred upon him and his countrymen by the energy and toil of generations of Americans, would acknowledge that Europe has learned its highest political lessons from the examples and teachings of the long line of American patriots. Exile and revolutionist, to them he is at least indebted for freedom and the opportunity of labor, even if he had not already obtained some of the highest offices in the nation. Had he possessed a more resolute intellect, he might have been less shaken by temporary reverses; had he been more unselfish, he would never have contemned the people by whom he was once trusted; or if capable of a true insight into political affairs, he would never have despaired of the republic; for the dangers that affright him are only passing clouds to more patriotic minds; the evils he anticipates are only the phantoms of misanthropy and the fumes of discontent. Happily the great majority of his countrymen do not share his forebodings. To no European race has our country shown more real sympathy than to the Germans, and from none has it received more. In the dangers of rebellion they stood unshaken by the Union, and Germany expended its accumulations in maintaining our national credit and purchasing our bonds. When American securities were refused a sale at the Paris Bourse, and were almost worthless in England, they were steadily advancing in the German cities; when France foretold and sought to profit from our ruin, Germany never despaired of the republic; and in 1870, when danger hung over the German Confederation, the whole Republican party and every friend of union and progress among us lent an earnest sympathy to the German side. In the moment of their national peril the Germans in America appealed to the country for its moral support, and received it. Confederates, Democrats, and ultramontanes might strive to check the general impulse, but the nation's heart was with Germany. Irish Catholics might long to fight on the Rhine for France and plunder, and Tammany Hall foretell the destruction of Prussia and the triumph of Napoleon, or Confederate generals offer their swords and their tarnished honor to the French despot, but the country rejoiced when M'Mahon was beaten and Germany was safe. Yet it was from this moment, by some unaccountable impulse, that Mr. Schurz formed his league with Confederates in Missouri and Louisiana, with ultramontanes in Cincinnati or St. Louis, with Tammany Hall and all his country's foes, and labored to break down that great party of the people which had covered him with its favors and trusted in his honor. From that moment he began to despair of the republic. Defeat pursued him every where. He fell back into his European ideas, and lost what little sympathy he might ever have possessed with American progress.

We have many among us like Mr. Schurz, whose tastes and impulses are altogether European, but they are all of the Democratic party, and it is safe to say that not a single Republican would exchange freedom and equality for any form of foreign politics. Every honest Republican, indeed, is resolved to maintain and purify the institutions of his ancestors, and never doubts their perpetuity. Yet we may use Mr. Schurz's name and example chiefly to suggest a reply to the doubts he occasions and the ruin with which he threatens us. What are the dangers of the republic and what their remedy we may learn from our foreign critics, and the chief of its perils are those that spring from the disorders and the corruptions that have followed the rebellion. War brings with it a host of terrors, and leaves behind it the pains of a lingering disease. Here there is, in fact, real danger. There is a dangerous class in the far South, idle, malicious, bent upon revolution; there is a Roman Catholic club sitting at Tammany Hall which controls another turbulent element of our population; and should these enemies of freedom seize upon the government, there would be a real peril to republican institutions. But does any one suppose that the people will permit ultramontanes and Southern revolutionists, the enemies of honest labor, good order, and peace, to destroy their freedom? Yet this is not the danger upon which our foreign critics enlarge. They would not be sorry to see Tammany Hall clutch the national treasury, or Southern ruffians brandish their favorite weapons in the national Senate. This is plainly not the danger to the republic with which Mr. Schurz and his foreign allies, from the London *Times* to the most active of our own ultramontane papers, would affright us: their ideas are all European; and they hold up before us the vision of Cæsarism and military despotism in a country without an army, where only the people rule; of emperors and kings, of anarchy or despotism. Nothing can exceed the bitterness with which the London *Times* and the leading London journals have continued to assail the President and the Republican party, except the rage of their allies in our own borders and the fury of Tammany Hall. But the pretensions of that notorious club, where Confederates and ultramontanes meet weekly to scoff at republican institutions, and perhaps plot the destruction of a government which they hate, have already shocked the patriotic sentiment of honest Democrats in all the rural districts. No Roman Catholic club which attempts to govern in American politics can long be successful. It may win temporary advantages, but it must ever prove at last odious to the people. For what must the millions of Americans reply to the demand of a foreign sect for enormous political power and patronage except a universal condemnation? How can they long endure the insolence of the foreign faction which surrounds itself with the bitterest rebels, and foretells the ruin of the republic?

Except the latent designs of the Democracy, and the possibility that the national government may be ruled by Southern revolutionists and foreign corruption, there seems no real danger to the country. Nor has any nation ever recovered so rapidly from the disasters of a violent internal struggle. There is peace all over the land, except where a small and depraved minority keep alive the dying rebellion. All over the Free States population and wealth have advanced with ceaseless rapidity, new nations have grown up within the past ten years, the ravages of war have been repaired by a tenfold increase, and, except in some portions of the disordered South, the growth of the whole country has been unexampled in its history. Within ten years Minnesota has more than doubled its population, Iowa nearly attained the same rate of increase, Nebraska and Kansas trebled theirs. The immense Territories on the slopes of the Rocky Mountains are drawing in an industrious population, and the railways that are reaching Westward have become the channels of a ceaseless progress. The temporary panic which has passed over our business interests with intense severity, like so many others that have swept over England and America, will probably be followed by a new revulsion of unusual prosperity, and there can be no doubt that the enormous wealth of the country will be soon brought into active use. A liberal system of internal improvements and of general education would soon develop such boundless fields of industry as would employ a larger number of immigrants than Europe has yet been able to furnish us with, and supply the world with new sources of comfort. The school-house and the railway will be the chief factors in our future progress; our coal, iron, wheat, corn, cotton, will spread ease and plenty among the European throngs who now linger in perpetual want. Nor is the condition of our Southern States so far below that of their Western or Northern neighbors. If they can not point to a growth like that of Kansas or Ohio, they may at least assert that they have risen from a greater depression. A fierce and mad minority of their people drove them into rebellion; they have suffered extraordinary disasters, yet the yield of cotton and corn at the South has very nearly reached what it was before 1860; and with peace and good order, the Southern States may easily surpass all they have done in the past, and for this they are indebted to the ready industry of four millions of colored people, who, suddenly raised to freedom, have proved themselves worthy of it. To the industry and skill of its colored population the nation owes the chief part of its merchantable wealth, and the export of its Southern productions has saved it from bankruptcy and kept it from commercial decay. The colored race have given a new impulse to the South, and we believe the majority of the Southern whites will soon have as intense a horror and disapprobation for the murderous deeds of Vicksburg or Coushatta as prevail among the most intelligent Republicans. Such are some of the omens of our future prosperity. The intrigues of foreign politicians seek to stimulate our internal dissensions; the rage of a foreign sect would check our advance in knowledge and virtue; a despairing exile may predict the ruin of the republic. But it is not unlikely that in 1876 a united people will confound all their plans, that true-hearted and honest American Republicans will rule from ocean to ocean, and that the foreign cabal who foretold the ruin of republican institutions will receive a more signal defeat than they have met with since Washington sheathed his sword in victory or Richmond fell.

Eugene Lawrence.

ANTELOPE AND RATTLESNAKE.

The rattlesnake, the most dreaded reptile of America, is bravely attacked and killed by the antelope. The manner of attack is curious and effective. As soon as the snake is discovered, the male antelope commences trotting swiftly round the enemy, seemingly with the purpose of confusing it; then springing high into the air, and bringing his four sharp hoofs together, as shown in the illustration on page 232, descends with all his weight upon the snake. The instant he touches it he separates his feet with a quick movement, and tears it to pieces before it has time to strike.

FLORIDA "CRACKERS."

Before the war the white population of the Southern States was broadly divided into three classes—the ruling class, which included the planters and the higher grades of professional men; the middle or laboring class, which included the small traders, mechanics, and farmers; and the "mean white" class, which included all who were appropriately called "poor trash." The condition of the "mean whites" was but little removed from savage life. They eked out a wretched subsistence by hunting, fishing, hiring themselves out for occasional jobs, and by poaching on the grounds of the planters. Their houses were mere cabins, with holes in the roof to let the smoke out and the rain in. The one room was floored with nothing but the ground, hardened with mauls, and furnished with a few rickety chairs, a pine-log settee, a cracked skillet, a frying-pan, an old-fashioned rifle, and perhaps two or three low beds with corn-husk mattresses and tattered furnishings. The character of the inmates was suited to their surroundings. They were given to whisky-drinking, snuff-dipping, clay-eating, and all manner of social vices. This class formed but a small proportion of the white population of the South, and answered in their general characteristics to the "scum" of our Northern cities.

Our illustration of "Florida Crackers going to Church," on page 232, from a sketch taken on the spot, indicates the unthriftiness and shiftlessness still to be found among the lower classes of whites in many parts of the South. The grotesque costume, the nondescript cart and team, the very attitude of the couple, jolting their way to church over the rough country road, show the backward condition of the class to which they belong. With the spread of popular education, the awakening of industry and enterprise, and the development of the wonderful resources of the South, this class, already diminished, must gradually disappear and become a tradition of the past.

CHINESE FISHERMEN.

In the shallow portions of the bay of San Francisco may be witnessed almost every day, in calm weather, the scene depicted in our illustration of Chinese fishermen on page 240. When the wind is favorable they make use of a sail-boat to assist in dragging one end of the seine, but if the wind is light, the boat is drawn by a couple of men, as in the sketch, while the other end of the seine is drawn by two other fishermen. In this manner they sometimes venture a mile or two from the shore, wading up to the neck, and making very rich hauls of fish. The water of the bay is very cold all the year round, yet these hardy men do not appear to suffer much from their long exposure to its chilling influence.

INDIAN SLEDGE JOURNEY.

The mode of winter travel practiced by the Indians of the Northwest is depicted in our illustration on page 240, which represents an Indian family on a journey through a snow-covered forest. On the sledge are packed the lodge, all the belongings of the household, including child and young dogs, and the load is drawn by the squaw, while the husband, carrying only his rifle, brings up the rear. Among the noble red men, in the division of labor all the hard work falls upon the squaws; there is no question as to their mission in life. The frame-work of the sledge is generally made of some flexible, tough wood, over which dry hides are tightly stretched, forming a strong but very light vehicle, which slides easily over the surface of the snow.

A DECIDED HIT.

This is the popular verdict in reference to the great story, "Thrown on the World," just commenced in the *New York Weekly*. Every body is reading it, and every news agent sells it.—[*Com.*]

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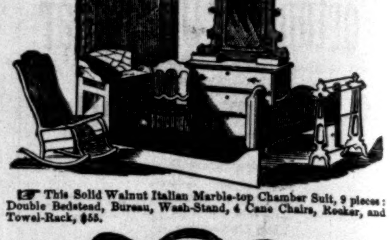

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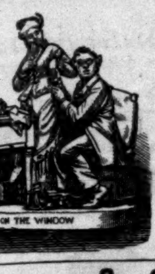
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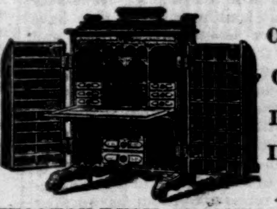

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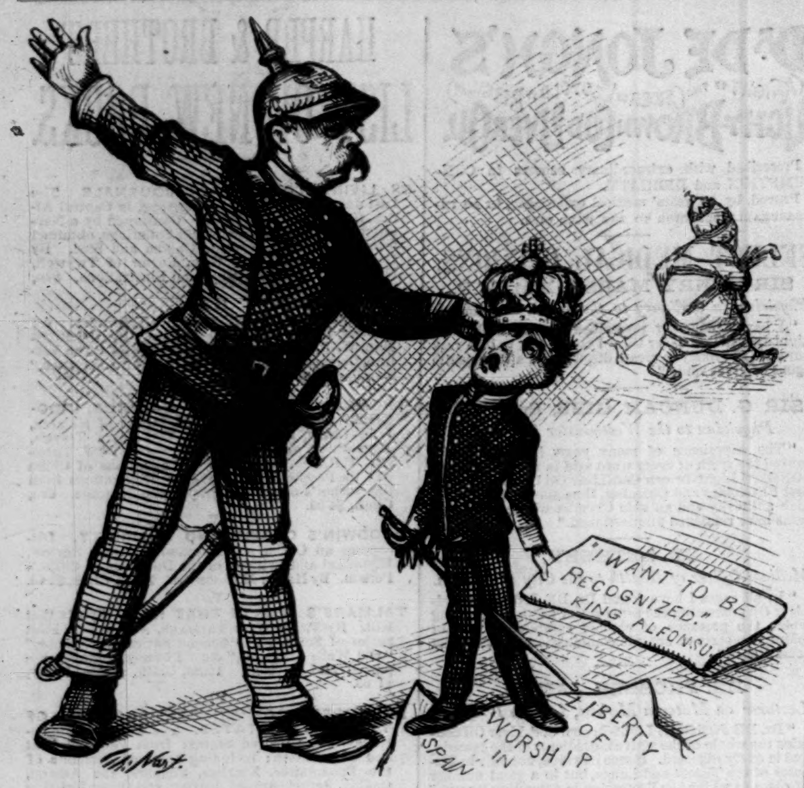
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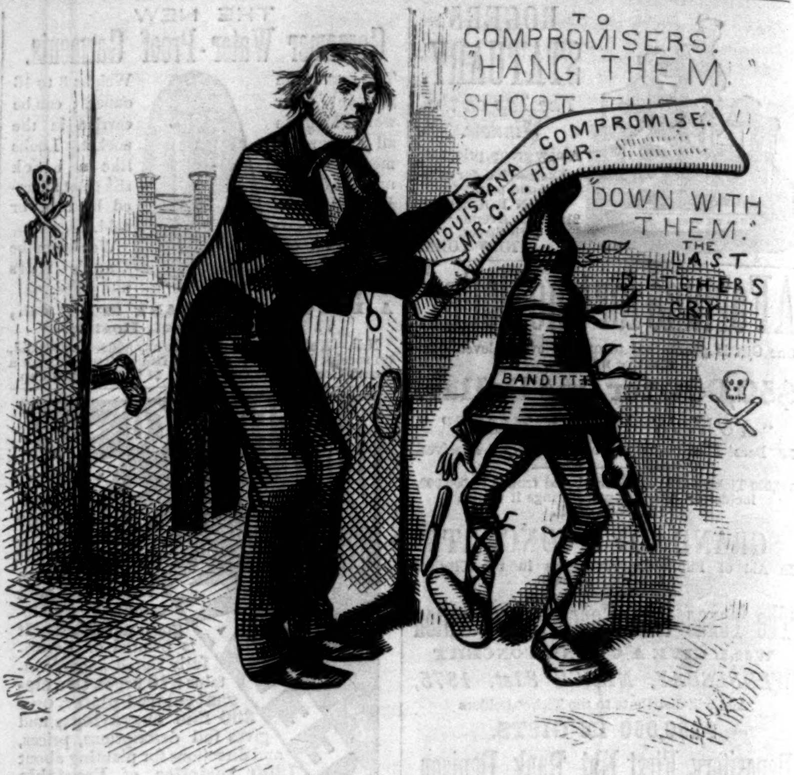
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VATICANISM:

AN ANSWER TO REPROOFS AND REPLIES.

BY THE

RIGHT HONORABLE W. E. GLADSTONE, M.P.

AUTHOR OF "THE VATICAN DECREES IN THEIR BEARING ON CIVIL ALLEGIANCE."

I. INTRODUCTION.

THE number and quality of the antagonists who have been drawn into the field on the occasion offered by my tract on the Vatican Decrees,[1] and the interest in the subject which has been manifested by the public of this and of many other countries, appear to show that it was not inopportune. The only special claim to attention with which I could invest it was this, that for thirty years I had striven hard, together with others, to secure a full measure of civil justice for my Roman Catholic fellow-countrymen, and that I still retained the convictions by which these efforts had been prompted. Knowing well the general indisposition of the English mind, amidst the pressing demands of our crowded daily life, to touch any subject comparatively abstract and remote, I was not surprised when many journals of great influence, reflecting this indisposition, condemned the publication of the Tract, and inspired Roman authorities among us with the vain conception that the discussion was not practical or significant.[2] In Rome itself a different view was taken, and the veiled prophets behind the throne, by whom the Latin Church is governed, brought about its condemnation as blasphemous, without perusal, from the lips of the Holy Father.[3] The object probably was at once to prevent or neutralize avowals of sympathy from Roman Catholic quarters. It may have been with a like aim that a number of Prelates at once entered, though by no means with one voice, into the lists. At length the great name of Dr. Newman was announced, and he too has replied to me, and explained himself, in a work to which I shall presently refer. Even apart from the *spolia opima* of this transcendent champion, I do not undervalue the ability, accomplishments, and discipline of that division of the Roman Army which confronts our Church and nation. Besides its supply from indigenous sources, it has been strangely but very largely recruited from the ranks of the English Church, and her breasts have, for thirty years, been pierced mainly by the children whom they had fed.

In these replies, of which the large majority adopt without reserve the Ultramontane hypothesis, it is most commonly alleged that I have insulted the Roman Catholics of these kingdoms. Dr. Newman, averse to the use of harsh words, still announces (p. 3) that "heavy charges have been made against the Catholics of England." Bishop Clifford, in a pastoral letter of which I gladly acknowledge the equitable, restrained, and Christian spirit, says I have proclaimed that since the Vatican Decrees were published "it is no longer possible for English Catholics to pay to their temporal sovereign a full and undivided allegiance."

I am obliged to assert that not one of the writers against me has apprehended or stated with accuracy my principal charge. Except a prospective reference to "converts," the subject (to speak technically) of all my propositions is the word "Rome;" and with reference to these "converts," I speak of what they suffer, not of what they do. It is an entire, and even a gross, error to treat all affirmations about Rome as equivalent to affirmations about British subjects of the Roman communion. They may adopt the acts of Rome: the question was and is, whether they do. I have done nothing to leave this question open to doubt; for I have paraphrased my monosyllable "Rome" by the words "the Papal Chair and its advisers and abettors" (p. 11). Unable as I am to attenuate the charges—on the contrary, bound rather to plead guilty to the fault of having understated them—I am on that account the more anxious that their aim shall be clearly understood. First, then, I must again speak plainly, and I fear hardly, of that system, political rather than religious, which in Germany is well termed Vaticanism. It would be affectation to exclude from my language and meaning its contrivers and conscious promoters. But here in my mind, as well as in my page, any thing approaching to censure stops. The Vatican Decrees do, in the strictest sense, establish for the Pope a supreme command over loyalty and civil duty. To the vast majority of Roman Catholics they are, and in all likelihood will long in their carefully enveloped meaning remain, practically unknown. Of that small minority who have spoken or fitted themselves to speak, a portion reject them. Another portion receive them with an express reserve, to me perfectly satisfactory, against all their civil consequences. Another portion seem to suspend their judgment until it is determined what is a free Council, what is moral unanimity, what are declarations *ex cathedrâ*, whether there has been a decisive and binding promulgation so as to create a law, and whether the claim for an undue obedience need be considered until some act of undue obedience is asked. A very large class, as it seems to me, think they receive these Decrees, and do not. They are involved in inconsistency, and that inconsistency is dangerous. So, I presume, they would tell me that when I recite in the Creed the words, "I believe in the Holy Catholic Church," I am involved in inconsistency, and my inconsistency is dangerous. To treat this as a "heavy charge" is surely inaccurate; to call it an insult is (forgive the word) preposterous.

Not even against men who voted under pressure, against their better mind, for these deplorable Decrees, nay, not even against those who resisted them and now enforce them—is it for me to utter a word of censure. The just appreciation of their difficulties, the judgment of their conduct, lies in a region far too high for me. To assail the system is the Alpha and Omega of my desire; and it is to me matter of regret that I am not able to handle it as it deserves without reflecting upon the persons, be they who they may, that have brought it into the world; have sedulously fed it in its weakness; have reared it up to its baleful maturity; have forced it upon those who now force it upon others; are obtaining for it from day to day fresh command over the pulpit, the press, the confessional, the teacher's chair, the bishop's throne; so that every father of a family, and every teacher in the Latin communion, shall, as he dies, be replaced by some one more deeply imbued with the new color, until at the last, in that moiety of the whole Christian family, nothing shall remain except an Asian monarchy; nothing, but one giddy height of despotism, and one dead level of religious subserviency.

But even of the most responsible abettors of that system I desire once for all to say that I do not presume in any way to impeach their sincerity, and that, as far as I am acquainted with their personal characters, I should think it great presumption to place myself in comparison or competition with any of them.

So much for insult. Much has also been said of my ignorance and incapacity in theology,[1] a province which I had entered only at the points where it crossed the border of the civil domain. Censures of this kind have great weight when they follow upon demonstration given of errors committed by the person who is the object of them, but they can have very little when they are used as substitutes for such a demonstration. In the absence of such proof, they can rank no higher than as a mere artifice of controversy. I have endeavored to couch all my positive statements in language of moderation, and not one among them that appertains to the main line of argument has been shaken. As to the use of rhetoric, another matter of complaint, I certainly neither complain of strong language used against me, nor do I think that it can properly be avoided, when the matters of fact, carefully ascertained and stated, are such that it assists toward a comprehension of their character and consequences. At the same time, in the use of such language, earnestness should not be allowed to degenerate into dogmatism, and to qualify is far more pleasant than to employ it.

With so much of preface, I proceed to execute my twofold duty. One of its branches is to state in what degree I conceive the immediate purpose of my Expostulation to have been served; and the other to examine whether the allegations of antagonists have dislodged my arguments from their main positions, or, on the contrary, have confirmed them; and to restate, nay, even to enlarge, those positions accordingly.

In considering the nature of the declarations on civil duty which have been elicited, it will not be thought unnatural if I begin with the words of one to whom age and fame combine in assigning the most conspicuous place—I mean Dr. Newman.

Of this most remarkable man I must pause to speak a word. In my opinion, his secession from the Church of England has never yet been estimated among us at any thing like the full amount of its calamitous importance. It has been said that the world does not know its greatest men; neither, I will add, is it aware of the power and weight carried by the words and by the acts of those among its greatest men whom it does know. The Ecclesiastical historian will perhaps hereafter judge that this secession was a much greater event than the great event of the partial secession of John Wesley, the only case of loss suffered by the Church of England since the Reformation which can be at all compared with it in magnitude. I do not refer to its effect upon the mere balance of schools or parties in the Church; that is an inferior question. I refer to its effect upon the state of positive belief, and the attitude and capacities of the religious mind of England. Of this, thirty years ago, he had the leadership—an office and power from which none but himself could eject him.

> "Quis desiderio sit pudor aut modus
> Tam cari capitis?"

It has been his extraordinary, perhaps unexampled, case, at a critical period, first to give to the religious thought of his time and country the most powerful impulse which for a long time it had received from any individual, and then to be the main involuntary cause of disorganizing it in a manner as remarkable, and breaking up its forces into a multitude of not only severed but conflicting bands.

My duty calls me to deal freely with his Letter to the Duke of Norfolk. But in doing so I can never lose the recollection of the perhaps ill-appreciated greatness of his early life and works. I do not presume to intrude into the sanctuary of his present thoughts; but, by reason of that life and those works, it seems to me that there is something we must look upon with the affection with which Americans regard those Englishmen who strove and wrought before the colonization or severance of their country. Nay, it may not be presumptuous to say we have a possessory right in the better half of him. All he produces is and must be most notable. But has he outrun, has he overtaken, the greatness of the "History of the Arians" and of the "Parochial Sermons," those indestructible classics of English theology?

And again I thankfully record the admissions which such integrity, combined with such acuteness, has not been able to withhold. They are of the greatest importance to the vindication of my argument. In my reading of his work, we have his authority for the following statements: That Roman Catholics are bound to be "as loyal as other subjects of the State," and that Rome is not to give to the civil power "trouble or alarm" (p. 7). That the assurances given by the Roman Catholic Bishops in 1825–6 have not been strictly fulfilled (pp. 12–14). That Roman Catholics can not wonder that statesmen should feel themselves aggrieved (p. 17). That Popes are sometimes in the wrong, and sometimes to be resisted, even in matters affecting the government and welfare of the Church (pp. 33, 4). That the Deposing power is defensible only upon condition of "the common consent of peoples" (p. 37). That if England supported Italy against any violent attempt to restore the Pope to his throne, Roman Catholics could offer no opposition but such as the constitution of the country allows (p. 49). That a soldier or sailor employed in a war which (in his private judgment, be it observed) he did not think unjust, ought not to retire from the prosecution of that war on the command of the Pope (p. 52). That conscience is the aboriginal vicar of Christ (p. 57): *ein tüchtiges Wort!* and Dr. Newman, at an ideal public dinner, will drink to conscience first, and the Pope afterward (p. 66). That one of the great dangers of the Roman Catholic Church is to be found in the exaggerated language and proceedings allowed among its own members (pp. 4, 80, 94, 125), and that there is much *malaria* in the court of Rome. That a definition by a general Council, which the Pope approves, is not absolutely binding thereby, but requires a moral unanimity, and a subsequent reception by the Church (pp. 96–8). That antecedently to the theological definitions of 1854 and 1870 an opponent might have "fairly said" "it might appear that there were no sufficient historical grounds in behalf of either of them;" and that the confutation of such an opponent is now to be sought only in "the fact of the definition being made" (p. 107). I shall indulge in none of the taunts which Dr. Newman anticipates on the want of correspondence between him and other Apologists; and I shall leave it to theologians to examine the bearing of these admissions on the scheme of Vaticanism, and on other parts of his own work. It is enough for me to record that, even if they stood alone, they would suffice to justify the publication which has given "occasion" for them; and that on the point of Dr. Newman's practical reservation of his command over his own "loyalty and civil duty" they are entirely satisfactory. As regards this latter point the Pastoral of Bishop Clifford is also every thing that can be wished. Among laymen who declare they accept the Decrees of 1870, I must especially make the same avowal as to my esteemed friend Mr. De Lisle; and again, as to Mr. Stores Smith, who regards me with "silent and intense contempt," but who does not scruple to write as follows:

> "If this country decide to go to war, for any cause whatsoever, I will hold my own opinion as to the justice or policy of that war, but I will do all that in me lies to bring victory to the British standard. If there be any Parliamentary or Municipal election, and any Priest or Bishop, backed by Archbishop and the Pope, advise me to take a certain line of action, and I conceive that the opposite course is necessary for the general weal of my fellow-countrymen, I shall take the opposite."[1]

When it is considered that Dr. Newman is like the sun in the intellectual hemisphere of Anglo-Romanism, and that, besides those acceptors of the Decrees who write in the same sense, various Roman Catholics of weight and distinction, well known to represent the views of many more, have held equally outspoken and perhaps more consistent language, I can not but say that the immediate purpose of my appeal has been attained, in so far that the loyalty of our Roman Catholic fellow-subjects in the mass is evidently untainted and secure.

It would be unjust to Archbishop Manning, on whose opinions, in many points, I shall again have to animadvert, were I not to say that his declarations[1] also materially assist in leading me to this conclusion—an avowal I am the more bound to make because I think the premisses from which he draws them are such as, if I were myself to accept them, would certainly much impair the guarantees for my performing, under all circumstances, the duties of a good subject.

This means that the poison which circulates from Rome has not been taken into the system. Unhappily, what I may term the minority among the Apologists do not represent the *ecclesia docens;* the silent diffusion of its influence in the lay atmosphere; the true current and aim of thought in the Papal Church, now given up to Vaticanism *de jure*, and likely, according to all human probability, to come from year to year more under its power. And here again the ulterior purpose of my Tract has been thus far attained. It was this: to provide that if, together with the ancient and loyal traditions of the body, we have now imported among us a scheme adverse to the principles of human freedom and in its essence unfaithful to civil duty, the character of that scheme should be fully considered and understood. It is high time that the chasm should be made visible, severing it and all who knowingly and thoroughly embrace it from the principles which we had a right to believe not only prevailed among the Roman Catholics of these countries, but were allowed and recognized by the authorities of their Church; and would continue, therefore, to form the basis of their system, permanent and undisturbed. For the more complete attainment of this object, I must now proceed to gather together the many threads of the controversy, as it has been left by my numerous opponents. This I shall do, not from any mere call of speculation or logical consistency, but for strong practical reasons.

Dr. Newman's letter to the Duke of Norfolk is of the highest interest as a psychological study. Whatever he writes, whether we agree with him or not, presents to us this great attraction as well as advantage, that we have every where the man in the work, that his words are the transparent covering of his nature. If there be obliquity in them, it is purely intellectual obliquity; the work of an intellect sharp enough to cut the diamond, and bright as the diamond which it cuts. How rarely it is found, in the wayward and inscrutable records of our race, that with these instruments of an almost superhuman force and subtlety, robustness of character and energy of will are or can be developed in the same extraordinary proportions, so as to integrate that structure of combined thought and action which makes life a moral whole. "There are gifts too large and too fearful to be handled freely."[2] But I turn from an incidental reflection to observe that my duty is to appreciate the letter of Dr. Newman exclusively in relation to my Tract. I thankfully here record, in the first place, the kindliness of his tone. If he has striven to minimize the Decrees of the Vatican, I am certain he has also striven to minimize his censures, and has put words aside before they touched his paper which must have been in his thoughts, if not upon his pen. I sum up this pleasant portion of my duty with the language of Helen respecting Hector: *πάτηρ ὡς, ἤπιος αἰει.*[3]

It is, in my opinion, an entire mistake to suppose that theories like those, of which Rome is the centre, are not operative on the thoughts and actions of men. An army of teachers, the largest and the most compact in the world, is ever sedulously at work to bring them into practice. Within our own time they have most powerfully, as well as most injuriously, altered the spirit and feeling of the Roman Church at large; and it will be strange indeed if, having done so much in the last half century, they shall effect nothing in the next. I must avow, then, that I do not feel exactly the same security for the future as for the present. Still less do I feel the same security for other lands as for this. Nor can I overlook indications which lead to the belief that, even in this country and at this time, the proceedings of Vaticanism threaten to be a source of some practical inconvenience. I am confident that if a system so radically bad is to be made or kept innocuous, the first condition for attaining such a result is that its movements should be carefully watched, and, above all, that the bases on which they work should be faithfully and unflinchingly exposed. Nor can I quit this portion of the subject without these remarks. The satisfactory views of Archbishop Manning on the present rule of civil allegiance have not prevented him from giving his countenance as a responsible editor to the lucubrations of a gentleman who denies liberty of conscience, and asserts the right to persecute when there is the power—a right which, indeed, he has not himself disclaimed.

Nor must it be forgotten that the very best of all the declarations we have heard from those who allow themselves to be entangled in the meshes of the Vatican Decrees are, every one of them, uttered subject to the condition that, upon orders from Rome, if such orders should issue, they shall be qualified, or retracted, or reversed.

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[1] Appendix A.

[2] For example: "The various organs of the press, with the shrewd political sense for which they are conspicuous, without any possible collusion, extinguished its political import in a single morning."—"Bishop Vaughan's Pastoral Letter," p. 5.

[3] The declaration of *non avenu*, which, after a brief interval, followed the announcement of the condemnation, appeared upon some subsequent discussion to be negatived by the evidence. But such declarations are, I conceive, well understood in Rome to depend, like an English "*not at home*," upon convenience.

[1] For example: By Archbishop Manning, pp. 13, 177. Bishop Ullathorne, Letter, p. 10. "Exposition Unraveled," p. 68. Bishop Vaughan, p. 37. "Month," December, 1874, p. 497. Monk of St. Augustine's, p. 10. With these legitimate reproaches is oddly combined on the part of the Archbishop, and apparently of Bishop Ullathorne, a supposition that Dr. Döllinger was in some manner concerned in my tract on the Vatican Decrees. See Appendix B.

[1] Letter in "Halifax Courier" of December 5, 1874.

[1] Archbishop Manning, "Vatican Decrees," pp. 136–40.

[2] Dr. Newman, p. 127.

[3] Iliad, xxiv. 775.

"A breath can unmake them, as a breath has made."

But even apart from all this, do what we may in checking external developments, it is not in our power to neutralize the mischiefs of the wanton aggression of 1870 upon the liberties—too scanty, it is excusable to think—which up to that epoch had been allowed to private Christians in the Roman communion. Even in those parts of Christendom where the Decrees and the present attitude of the Papal See do not produce or aggravate open broils with the civil power, by undermining moral liberty they impair moral responsibility, and silently, in the succession of generations, if not even in the lifetime of individuals, tend to emasculate the vigor of the mind.

In the tract on the Vatican Decrees I passed briefly by those portions of my original statement which most lay within the province of theology, and dwelt principally on two main propositions.

I. That Rome had reproduced for active service those doctrines of former times, termed by me "rusty tools," which she was fondly thought to have disused.

II. That the Pope now claims, with plenary authority, from every convert and member of his Church, that he "shall place his loyalty and civil duty at the mercy of another:" that other being himself.

These are the assertions which I now hold myself bound further to sustain and prove.

II. THE RUSTY TOOLS. THE SYLLABUS.

1. *Its Contents.*
2. *Its Authority.*

WITH regard to the proposition that Rome has refurbished her "rusty" tools, Dr. Newman says it was by these tools that Europe was brought into a civilized condition, and thinks it worth while to ask whether it is my wish that penalties so sharp and expressions so high should be of daily use.[1]

I may be allowed to say, in reply to the remark I have cited, that I have nowhere presumed to pronounce a general censure on the conduct of the Papacy in the Middle Ages. That is a vast question, reaching far beyond my knowledge or capacity. I believe much is to be justly said in praise, much as justly in blame. But I can not view the statement that Papal claims and conduct created the civilization of Europe as other than thoroughly unhistorical and one-sided: as resting upon a narrow selection of evidence, upon strong exaggeration of what that evidence imports, and upon an "invincible ignorance" as to all the rest.

Many things may have been suited, or not unsuited, to rude times and indeterminate ideas of political right, the reproduction of which is at the least strange, perhaps even monstrous. We look back with interest and respect upon our early fire-arms as they rest peacefully ranged upon the wall; but we can not think highly of the judgment which would recommend their use in modern warfare. As for those weapons which had been consigned to obscurity and rust, my answer to Dr. Newman's question is that they should have slept forever, till perchance some reclaiming plow of the future should disturb them.

> "Quum finibus illis
> Agricola, incurvo terram molitus aratro,
> Exesa inveniet scabrâ rubigine pila."[2]

As to the proof of my accusation, it appeared to me that it might be sufficiently given in a summary but true account[3] of some important portions of the Encyclica of December 8, 1864, and especially of the accompanying Syllabus of the same date.

The replies to the five or six pages in which I dealt with this subject have so swollen as to reach fifteen or twenty times the bulk. I am sorry that they involve me in the necessity of entering upon a few pages of detail which may be wearisome. But I am bound to vindicate my good faith and care, where a failure in either involves results of real importance. These results fall under the two following heads:

(1.) The Syllabus; what is its language?
(2.) The Syllabus; what is its authority?

As to the language, I have justly represented it; as to its authority, my statement is not above, but beneath the mark.

1. *The Contents of the Syllabus.*

My representation of the language of the Syllabus has been assailed in strong terms. I proceed to defend it, observing, however, that my legitimate object was to state in popular terms the effect of propositions more or less technical and scholastic; and secondly, that I did not present each and every proposition for a separate disapproval, but directed attention rather to the effect of the document as a whole, in a qualifying passage (p. 14) which no one of my critics has been at the pains to notice.

Nos. 1–3.—The first charge of unjust representation is this.[4] I have stated that the Pope condemns (p. 21) liberty of the press and liberty of speech. By reference to the original it is shown that the right of printing and speaking is not in terms condemned universally; but only the right of each man to print or speak all his thoughts (*suos conceptus quoscunque*), whatever they may be. Hereupon it is justly observed, that in all countries there are laws against blasphemy, or obscenity, or sedition, or all three. It is argued, then, that men are not allowed the right to speak or print *all* their thoughts, and that such an extreme right only is what the Pope has condemned.

It appears to me that this is, to use a mild phrase, mere trifling with the subject. We are asked to believe that what the Pope intended to condemn was a state of things which never has existed in any country of the world. Now he says he is condemning one of the commonly prevailing errors of the time, familiarly known to the bishops whom he addresses.[1] What bishop knows of a State which by law allows a perfectly free course to blasphemy, filthiness, and sedition? The world knows quite well what is meant by free speech and a free press. It does mean generally, perhaps it may be said universally, the right of declaring all opinions whatsoever. The limit of freedom is not the justness of the opinion, but it is this, that it shall be opinion in good faith, and not mere grossness, passion, or appeal to violence. The law of England at this moment, allowing all opinions whatever, provided they are treated by way of rational discourse, most closely corresponds to what the Pope has condemned. His condemnation is illustrated by his own practice as Governor in the Roman States, where no opinion could be spoken or printed but such as he approved. Once, indeed, he permitted a free discussion on Saint Peter's presence and prelacy in the city; but he repented quickly, and forbade the repetition of it. We might even cite his practice as Pope in 1870, where every thing was done to keep the proceedings of the Council secret from the Church which it professed to represent, and even practically secret from its members, except those who were of the governing cabal. But there can be no better mode of exhibiting his real meaning than by referring to his account of the Austrian law. *Hâc lege omnis omnium opinionum et librariæ artis libertas, omnis tum fidei, tum conscientiæ ac doctrinæ, libertas statuitur.*[2] To the kind of condemnation given I shall again refer; but the matter of it is nothing abstract or imaginary, it is actual freedom of thinking, speaking, and printing, as it is practiced in a great civilized and Christian empire. I repel, then, the charge against me as no better than a verbal subterfuge; and I again affirm that in his Syllabus, as in his acts, the Pope has condemned liberty of speech and liberty of the press.

No. 5.—I have stated that the Pope condemns "those who assign to the State the power of defining the civil rights (*jura*) and province of the Church." Hereupon it is boldly stated that "the word civil is a pure interpolation."[3] This statement Dr. Newman's undertaking tempts him to quote, but his sagacity and scholarship save him from adopting. Anticipating some cavil such as this, I took care (which is not noticed) to place the word *jura* in my text. I now affirm that my translation is correct. *Jus* means not right at large, but a specific form of right, and in this case civil right, to which meaning, indeed, the word constantly leans. It refers to right which is social, relative, extrinsic. *Jus hominum situm est in generis humani societate* (Cic. Tusc. 2–26). If a theological definition is desired, take that of Dens: *Accipitur potissimum pro jure prout est in altero, cui debet satisfieri ad æqualitatem; de jure sic sumpto hìc agitur.*[4] It is not of the internal constitution of the Church and the rights of its members *inter se* that the proposition treats, nor yet of its ecclesiastical standing in reference to other bodies, but of its rights in the face of the State; that is to say, of its civil rights. My account therefore was accurate, and Mr. Coleridge's criticism superfluous.

I must, however, admit that Vaticanism has a way of escape. For perhaps it does not admit that the Church enjoys any civil rights, but considers as her own, and therefore spiritual in their source, such rights as we consider accidental and derivative, even where not abusive.

On this subject I will refer to a high authority. The Jesuit Schrader was, I believe, one of those employed in drawing up the Syllabus. He has published a work, with a Papal Approbation attached to it, in which he converts the condemnatory negations of the Syllabus into the corresponding affirmatives. For Article XXX. he gives the following proposition:

> "The immunities of the Church and of ecclesiastical persons have not their origin in civil right."

He adds the remark: "But are rooted in the Church's own right, given to her from God."[5]

No. 7.—I have said those persons are condemned by the Syllabus who hold that in countries called Catholic the free exercise of other religions may laudably be allowed. Dr. Newman truly observes[6] that it is the free exercise of religion by immigrants or foreigners which is meant (hominibus *illuc immigrantibus*), and that I have omitted the words. I omitted them, for my case was strong enough without them. But they seem to strengthen my case. For the claim to a free exercise of religion on behalf of immigrants or foreigners is a stronger one than on behalf of natives, and has been so recognized in Italy and in Rome itself. I think I am right in saying that difference of tongue has generally been recognized by Church law as mitigating the objections to the toleration of dissidence. And it is this stronger claim, not the weaker one, which is condemned. So that if there be a fault, it is the fault of under, not of over statement.

Again I support myself by the high authority of Schrader, the Jesuit. The following is his Article LXXVII. It draws no distinction of countries:

> "In our view it is still useful that the Catholic religion should be maintained as the only State religion, to the exclusion of every other."[1]

In the appended remark he observes that *on this account* the Pope, in 1856, condemned the then recent Spanish law which tolerated other forms of worship.[2]

No. 8.—I am charged, again,[3] with mistranslating under my eighth head. The condemnation in the Syllabus is, as I conceived, capable of being construed to apply to the entire proposition as it is there given, or to a part of it only. In brief, it is this: "The Episcopate has a certain power not inherent, but conferred by the State, which may therefore be withdrawn at the pleasure of the State." The condemnation might be aimed at the assertion that such a power exists, or at the assertion that it is withdrawable at pleasure. In the latter sense the condemnation is unwise and questionable as a general proposition; in the former sense it is outrageous beyond all bounds: and I am boldly accused of mistranslating[4] because I chose the milder imputation of the two, and understood the censure to apply only to withdrawal *ad libitum*. I learn now that, in the opinion of this antagonist at least, the State was not the source of (for example) the power of coinage, which was at one time exercised by the Bishops of Durham. So that the upshot is, either my construction is right, or my charge is milder than it should have been.

Nos. 13, 14.—A grave charge is made against me respecting the matrimonial propositions: because I have cited the Pope as condemning those who affirm that the matrimonial contract is binding whether there is or is not (according to the Roman doctrine) a Sacrament, and have not at the same time stated that English marriages are held by Rome to be Sacramental, and therefore valid.[5]

No charge, serious or slight, could be more entirely futile. But it is serious, and not slight, and those who prompt the examination must abide the recoil. I begin thus:

1. I am censured for not having given distinctions between one country and another, which the Pope himself has not given.

2. And which are also thought unnecessary by authorized expounders of the Syllabus for the faithful.[6]

I have before me the Exposition,[7] with the text, of the Encyclica and Syllabus, published at Cologne in 1874, with the approval of authority (*mit oberkirchlicher Approbation*). In p. 45 it is distinctly taught that with marriage the State has nothing to do; that it may safely rely upon the Church; that civil marriage, in the eyes of the Church, is only concubinage; and that the State, by the use of worldly compulsion, prevents the two concubinary parties from repenting and abandoning their guilty relation to one another. Exactly the same is the doctrine of the Pope himself in his speeches published at Rome, where civil marriage is declared to be, for Christians, nothing more than a mere concubinage, and a filthy concubinage (*sozzo concubinato*).[8] These extraordinary declarations are not due to the fondness of the Pontiff for speaking *impromptu*. In his letter of September 19, 1852, to King Victor Emanuel he declares that matrimony carrying the sacrament is alone lawful for Christians, and that a law of civil marriage, which goes to divide them for practical purposes, constitutes a concubinage in the guise of legitimate marriage.[9] So that, in truth, in all countries within the scope of these denunciations the parties to a civil marriage are declared to be living in an illicit connection, which they are called upon to renounce. This call is addressed to them separately as well as jointly, the wife being summoned to leave her husband, and the husband to abandon his wife; and after this pretended repentance from a state of sin, unless the law of the land and fear of consequences prevail, a new connection, under the name of a marriage, may be formed with the sanction of the Church of Rome. I know not by what infatuation it is that adversaries have compelled me thus to develop a state of facts created by the highest authorities of the Roman Church, which I shall now not shrink from calling horrible and revolting in itself, dangerous to the morals of society, the structure of the family, and the peace of life.

It is true, indeed, that the two hundred thousand non-Roman marriages which are annually celebrated in England do not at present fall under the foul epithets of Rome. But why? Not because we marry, as I believe nineteen-twentieths of us marry, under the sanctions of religion—for our marriages are, in the eye of the Pope, purely civil marriages—but only for the technical, accidental, and precarious reason that the disciplinary decrees of Trent are not canonically in force in this country. I apprehend that there is nothing, unless it be motives of mere policy, to prevent the Pope from putting them into force here when he pleases. If and when that is done, every marriage thereafter concluded in the English Church will, according to his own words, be a filthy concubinage.

But what claim of right have we to be treated better than others? The Tridentine decrees have force, I understand, in Italy, France, Germany, Austria, Poland, Hungary. If so, every civil marriage in those countries, and every religious marriage not contracted before a Roman *Parochus*, as the Council of Trent requires, is but the formation of a guilty connection, which each of the parties severally is charged by the Church of Rome to dissolve, under pain of being held to be in mortal sin.

I believe this statement can not be impeached. It can only be even qualified by pointing out that Rome has reserved to herself, if and when she pleases, the application of the rule of the Council of Trent, absurdly called clandestinity, to non-Roman marriages in Tridentine countries. Benedict XIV., a great authority, questioned the propriety or policy of the rule; and Pius VII., in a communication to the Primate Dalberg, formerly Archbishop of Mentz, referred with approval to the language of Benedict XIV. But even they have never taken that course which appears to be the rational one, namely, to allow to non-Roman marriages generally, if contracted solemnly and with due precaution, that same consensual validity which all allow to belong to marriages outside the Christian pale. The upshot, then, of their opinions seems to be this: that while stigmatizing marriages not Tridentine as concubinages in the manner we have seen, a power is reserved, under the name or plea of special circumstances, to acknowledge them or not as policy may recommend. This is but the old story. All problems which menace the Roman Chair with difficulties it dare not face are to be solved, not by the laying down of principles, good or bad, strict or lax, in an intelligible manner, but by reserving all cases as matters of discretion to the breast of the *Curia*, which will decide from time to time, according to its pleasure, whether there has been a sacrament or not, and whether we are married folks, or persons living in guilty commerce, and rearing our children under a false pretext of legitimacy.

This, then, is the statement I now make. It has been drawn from me by the exuberant zeal and precipitate accusations of the school of Loyola.

No. 18.—Finally, it is contended that I misrepresent Rome in stating that it condemns the call to reconcile itself with progress, liberalism, and modern civilization.

It is boldly stated that the Pope condemns not these, but only what is bad in these.[1] And thus it is that, to avert public displeasure, words are put into the Pope's mouth, which he has not used, and which are at variance with the whole spirit of the document that he has sent forth to alarm, as Dr. Newman too well sees, the educated mind of Europe.[2] It appears to be claimed for Popes that they shall be supreme over the laws of language. But mankind protests against a system which palters in a double sense with its own solemn declarations; imposing them on the weak, glorying in them before those who are favorably prepossessed, and then contracting their sense *ad libitum*, even to the point of nullity, by arbitrary interpolation, to appease the scandalized understanding of Christian nations. Without doubt progress, liberalism, modern civilization, are terms more or less ambiguous; but they are, under a sound general rule, determinable by the context. Now the contexts of the Syllabus and Encyclica are perfectly unambiguous; they perfectly explain what the Pope means by the words. He means to condemn all that we consider fair limitation of the claims of priestly power; to repudiate the title of man to general freedom of thought, and of speech in all its varied forms of utterance; the title of a nation to resist those who treat the sovereignty over it as a property, and who would enforce on the people—for example, of the Papal States—a government independently of or against its will; in a word, the true and only sure titles of freedom in all its branches, inward and outward, mental, moral, and political, as they are ordinarily understood in the judgment of this age and country.

I have gone, I believe, through every particular impeachment of my account of the language of the Syllabus and the Encyclica. If each and all of these have failed, I presume that I need not dwell upon the general allegations of opponents in respect to those heads where they have not been pleased to enter upon details.[3]

Now it is quite idle to escape the force of these charges by reproaches aimed at my unacquaintance with theology, and by recommendations, sarcastic or sincere, that I should obtain some instruction in its elements. To such reproaches I shall peacefully and respectfully bow so soon as I shall have been convicted of error. But I think I have shown that the only variations from exact truth to which I can plead guilty are variations in the way of understatements of the case which it was my duty to produce.

2. *The Authority of the Syllabus.*

I have next to inquire what is the authority of the Syllabus?

Had I been inclined to push my case to extremes, I might very well have contended that this document was delivered *ex cathedrâ*. Schulte, whose authority as a Canonist is allowed on all hands to be great, founds his argument on that opinion.[4] Dr. Ward, who has been thanked[5] by His Holiness for his defense of the faith, wonders that any one can doubt it.[6] The Pope himself, in his speeches, couples the Syllabus with the Decrees of the Vatican Council, as being jointly the great fundamental teachings of these latter days; and he even describes it as the only anchor of safety for the coming time.[7] Bishop Fessler, whose work was published some time after the Council, to tone down alarms, and has had a formal approval from the Pope,[1] holds that the Syllabus is not a document proceeding *ex cathedrâ*. But it touches faith and morals: its condemnations are, and are allowed to be, assertions of their contradictories, into which assertions they have been formally converted by Shrader, a writer of authority, who was officially employed in its compilation. Furthermore, though I was wrong (as Dr. Newman has properly observed[2]) in assuming that the Encyclica directly covered all the propositions of the Syllabus, yet this document is addressed by the Pope, through Cardinal Antonelli, to all the Bishops of the Christian (Papal) world, therefore in his capacity as universal Teacher.

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[1] Dr. Newman, p. 32.
[2] Virgil, Georgics i. 493.
[3] Erroneously called by some of my antagonists a translation, and then condemned as a bad translation. But I know of no *recipe* for translating into less than half the bulk of the original.
[4] "The Month," December, 1874, p. 494. Coleridge, "Abomination of Desolation," p. 20. Bishop Ullathorne, "Pastoral Letter," p. 16. "Monk of St. Augustine's," p. 15. Dr. Newman, pp. 59, 72, in some part.

[1] "Probè noscitis hoc tempore non paucos reperiri, qui," etc.—"Encycl.," December 8, 1864.
[2] From the Pope's Allocution of June 22, 1868: "By this law is established universal liberty of all opinions and of the press, and, as of belief, so of conscience and of teaching." See Vering, "Archiv für Katholisches Kirchenrecht." Mainz, 1868, p. 171, Band xx.
[3] "The Abomination of Desolation," p. 21. Dr. Newman, p. 87.
[4] "Tractatus de jure et justitiâ," No. 6.
[5] "Der Papst und die Modernen Ideen." Von P. Clemens Schrader, S.J. Heft ii. 65.
[6] Dr. Newman, p. 86.

[1] Schrader, p. 80.
[2] *Infra.*
[3] Mr. Coleridge, "Abomination of Desolation," p. 21.
[4] *Ibid.*
[5] Monk of St. Augustine's, p. 15. "Abomination," p. 22.
[6] Appendix C.
[7] "*Die Encyclica, der Syllabus, und die wichtigsten darin angeführten Actenstücke, nebst einer ausfürlichen Einleitung.*" Köln, 1874.
[8] "Discorsi di Pio IX." Roma, 1872, 1873. Vol. i. p. 193; vol. ii. p. 355.
[9] "Recueil des Allocutions de Pie IX.," etc. Paris: Leclerc, 1865, p. 312.

[1] "The Month," as *sup.* p. 496. Bishop Ullathorne, "Expostulation Unraveled," p. 69.
[2] Dr. Newman, p. 90.
[3] "The Month," as *sup.* p. 497.
[4] "Power of the Roman Popes" (Transl. by Sommers. Adelaide, 1871).
[5] "Dublin Review," July, 1870, p. 224.
[6] *Ibid.* July, 1874, p. 9.
[7] "Discorsi di Pio IX.," vol. i. p. 59.

The reasons advanced by Bishop Fessler in the opposite sense appear to be very weak. When the Pope (by conversion of the 23d Proposition) declares that preceding pontiffs have not exceeded the limits of their power, and have not usurped the rights of princes, Bishop Fessler replies that we are here dealing only with facts of history, not touching faith or morals, so that there is no subject-matter for a dogmatic definition.[3] But the depositions of sovereigns were wont to be founded on considerations of faith or morals; as when Gregory VII., in A.D. 1079, charged upon Henry IV. many capital crimes,[4] and as when Innocent III. deposed Raymond of Toulouse for (among other reasons) not proceeding satisfactorily with the extirpation of the Albigenses.[5] The Christian creed itself is chiefly composed of matters of fact set forth as articles of belief. And he who asserts that the acts of Popes did not go beyond their rights, distinctly expresses his belief in the claims of right which those acts involved.

Fessler's other objection is that the form of the Syllabus does not set forth the intention of the Pope.[6] But he appears to have overlooked the perfectly explicit covering letter of Antonelli, which in the Pope's name transmits the Syllabus, in order that the whole body of Latin Bishops might have before their eyes those errors and false doctrines of the age which the Pope had proscribed. Nor does Fessler venture to assert that the Syllabus is without dogmatic authority. He only says many theologians have doubts upon the question whether it be *ex cathedrâ:* theological science will hereafter have to examine and decide the matter;[7] in the mean time every Roman Catholic is bound to submit to and obey it. Such is the low or moderate doctrine concerning the Syllabus.[8] Thus its dogmatic authority is probable: its title to universal obedience is absolute, while among its assertions is that the Church has the right to employ force, and that the Popes have not exceeded their powers or invaded the rights of princes.

Now when I turn to the seductive pages of Dr. Newman, I find myself to be breathing another air, and discussing, it would seem, some other Syllabus. If the Pope were the author of it, he would accept it.[9] But he is not,[10] and no one knows who is. Therefore it has no dogmatic force.[11] It is an index to a set of dogmatic Bulls and Allocutions, but it is no more dogmatic itself than any other index or table of contents.[12] Its value lies in its references, and from them alone can we learn its meaning.

If we had Dr. Newman for Pope, we should be tolerably safe, so merciful and genial would be his rule. But when Dr. Newman, not being Pope, contradicts and nullifies what the Pope declares, whatever we may wish, we can not renounce the use of our eyes. Fessler, who writes, as Dr. Newman truly says, to curb exaggerations,[13] and who is approved by the Pope, declares[14] that every subject of the Pope, and thus that Dr. Newman, is bound to obey the Syllabus, because it is from the Pope and of the Pope. "Before the Council of the Vatican every Catholic was bound to submit to and obey the Syllabus: the Council of the Vatican has made no difference in that obligation of conscience." He questions its title, indeed, to be held as *ex cathedrâ*, and this is his main contention against Von Schulte; but he nowhere denies its infallibility, and he distinctly includes it in the range of Christian obedience.

Next, Dr. Newman lays it down that the words of the Syllabus are of no force in themselves, except as far as they correspond with the terms of the briefs to which references are given, and which he admits to be binding. But here Dr. Newman is in flat contradiction to the official letter of Cardinal Antonelli, who states that the Syllabus has been framed, and is sent to the Bishops, by command of the Pope, inasmuch as it is likely that they have by no means all seen the prior instruments, and in order that they may know from the Syllabus itself what it is that has been condemned. Thus, then, it will be seen that the Syllabus has been authoritatively substituted for the original documents as a guide to the Bishops. And if, as Dr. Newman says, and as I think in some cases is the fact, the propositions of the Syllabus widen the propositions of those documents, it is the wider and not the narrower form that binds, unless Dr. Newman is more in the confidence of Rome than the Secretary of the Vatican Council, and than the regular minister of the Pope.

Again, I am reminded by the "Dublin Review," a favored organ of Roman opinions, that utterances *ex cathedrâ*[15] are not the only form in which Infallibility can speak, and that the Syllabus, whether *ex cathedrâ* or not, since it has been uttered by the Pope, and accepted by the Church diffused, that is to say, by the Bishops diffused, is undoubtedly infallible. This would seem to be the opinion of Bishop Ullathorne.[1] But what is conclusive as to practical effect upon the whole case is this, that while not one among the Roman apologists admits that the Syllabus is or may be erroneous, the obligation to obey it is asserted on all hands, and is founded on the language of an infallible Vatican Decree. I have been content to argue the case of the Syllabus upon the supposition that, in relation to this country at least, its declarations were purely abstract. The readers, however, of "Macmillan's Magazine" for February may perceive that even now we are not without a sample of its fruits in a matrimonial case, of which particulars were long ago given in the "Times" newspaper, and which may possibly again become the object of public notice.

It is therefore absolutely superfluous to follow Dr. Newman through his references to the Briefs and Allocutions marginally noted. The Syllabus is part of that series of acts to which the dogmatizations of 1854 and 1870 also belong, and it bridges over the interval between them. It generalizes and advisedly enlarges a number of particular condemnations, and, addressing them to all the Bishops, brings the whole of the Latin obedience within its net. The fish, when it is inclosed and beached, may struggle for a while; but it dies, while the fisherman lives, carries it to market, and quietly puts the price into his till.

The result, then, is:

1. I abide by my account of the contents of the Syllabus.
2. I have understated, not overstated, its authority.
3. It may be *ex cathedrâ;* it seems to have the infallibility of dogma: it unquestionably demands, and is entitled (in the code of Vaticanism) to demand, obedience.

III. The Vatican Council and the Infallibility of the Pope.

Breach with History, No. 1.

LIKE the chieftains of the heroic time, Archbishop Manning takes his place with promptitude, and operates in front of the force he leads.

Upon the first appearance of my tract he instantly gave utterance to the following propositions; nor has he since receded from them:

1. That the Infallibility of the Pope was a doctrine of Divine Faith before the Council of the Vatican was held.
2. That the Vatican Decrees have in no jot or tittle changed either the obligations or the conditions of civil allegiance.
3. That the civil allegiance of Roman Catholics is as undivided as that of other Christians, and neither more nor less limited.
4. That the claim of the Roman Church against obedience to the civil power in certain cases is the same as that made by other religious communions in this country.

These four propositions may be treated as two. The first is so allied with the second, and the third with the fourth, that the two members of each pair respectively must stand or fall together. I can make no objection to the manner in which they raise the question. I shall leave it to others, whom it may more concern, to treat that portion of his work in which, passing by matters that more nearly touched his argument, he has entered at large on the controversy between Rome and the German Empire; nor shall I now discuss his compendium of Italian history, which in no manner touches the question whether the dominion of the Pope ought again to be imposed by foreign arms upon a portion of the Italian people. But of the four propositions I will say that I accept them all, subject to the very simple condition that the word "not" be inserted in the three which are affirmative, and its equivalent struck out from the one which is negative.

Or, to state the case in my own words:

My task will be to make good the two following assertions, which were the principal subjects of my former argument:

1. That upon the authority, for many generations, of those who preceded Archbishop Manning and his coadjutors in their present official position, as well as upon other authority, Papal Infallibility was not "a doctrine of Divine Faith before the Council of the Vatican was held."

And that therefore the Vatican Decrees have changed the obligations and conditions of civil allegiance.

2. That the claim of the Papal Church against obedience to the civil power in certain cases not only goes beyond, but is essentially different from, that made by other religious communions or by their members in this country.

And that therefore the civil allegiance of those who admit the claim and carry it to its logical consequences is not for the purposes of the State the same with that of other Christians, but is differently limited.

In his able and lengthened work Archbishop Manning has found space for a dissertation on the great German quarrel, but has not included in his proof of the belief in Papal Infallibility before 1870 any reference to the history of the Church over which he presides, or the sister Church in Ireland. This very grave deficiency I shall endeavor to make good by enlarging and completing the statement briefly given in my tract. That statement was that the English and Irish penal laws against Roman Catholics were repealed on the faith of assurances which have not been fulfilled.

Had all antagonists been content to reply with the simple ingenuousness of Dr. Newman, it might have been unnecessary to resume this portion of the subject. I make no complaint of the Archbishop; for such a reply would have destroyed his case. Dr. Newman, struggling hard with the difficulties of his task, finds that the statement of Dr. Doyle requires (p. 12) "some pious interpretation;" that in 1826 the clergy both of England and Ireland were trained in Gallican opinions (p. 13), and had modes of thinking "foreign altogether to the minds of the *entourage* of the Holy See;" that the British ministers ought to have applied to Rome (p. 14) to learn the civil duties of British subjects, and that "no pledge from Catholics was of any value, to which Rome was not a party."

This declaration involves all, and more than all, that I had ventured reluctantly to impute. Statesmen of the future, recollect the words, and recollect from whom they came: from the man who by his genius, piety, and learning towers above all the eminences of the Anglo-papal communion; who (so declares a Romish organ)[1] "has been the mind and tongue to shape and express the English Catholic position in the many controversies which have arisen" since 1845, and who has been roused from his repose on this occasion only by the most fervid appeals to him as the man that could best teach his co-religionists how and what to think. The lesson received is this. Although pledges were given, although their validity was firmly and even passionately[2] asserted, although the subject-matter was one of civil allegiance, "no pledge from Catholics was of any value, to which Rome was not a party" (p. 14).

In all seriousness I ask whether there is not involved in these words of Dr. Newman an ominous approximation to my allegation that the seceder to the Roman Church "places his loyalty and civil duty at the mercy of another?"

But as Archbishop Manning has asserted that the Decrees of the Vatican have "in no jot or tittle" altered civil allegiance,[3] and that "before the Council was held, the infallibility of the Pope was a doctrine of Divine Faith,"[4] and as he is the official head of the Anglo-Roman body, I must test his assertions by one of those appeals to history which he has sometimes said are treason to the Church:[5] as indeed they are, in his sense of the Church, and in his sense of treason. It is only justice to the Archbishop to add that he does not stand alone. Bishop Ullathorne says, "The Pope always wielded this infallibility, and all men knew this to be the fact."[6] We shall presently find some men whose history the Bishop should have been familiar with, and who did not know this to be the fact, but very solemnly assured us they knew the exact contrary.

This is not an affair, as Dr. Newman seems to think, of a particular generation of clergy who had been educated in Gallican opinions. In all times, from the reign of Elizabeth to that of Victoria, the lay Roman Catholics of England, as a body, have been eminently and unreservedly loyal. But they have been as eminently noted for their thorough estrangement from Ultramontane opinions; and their clergy, down to the period of the Emancipation Act, felt with them; though a school addicted to Curialism and Jesuitism, thrust among them by the Popes at the commencement of the period, first brought upon them grievous sufferings, then succeeded in attaching a stigma to their name, and now threatens gradually to accomplish a transformation of their opinions, with an eventual change in their spirit, of which it is difficult to foresee the bounds. Not that the men who now hold the ancestral view will, as a rule, exchange it for the view of the Vatican; but that, as in the course of nature they depart, Vaticanists will grow up and take their places.

The first official head of the Anglo-Roman body in England was the wise and loyal Archpriest Blackwell. He was deposed by the Pope in 1608, "chiefly, it is supposed, for his advocacy of the oath of allegiance,"[7] which had been devised by King James, in order that he might confer peace and security upon loyal Roman Catholics.[8] Bellarmine denounced as heretical its denial of the power of the Pope to depose the king, and release his subjects from their allegiance. Pope Paul V. condemned the oath by a brief in October, 1606. The unfortunate members of his communion could not believe this brief to be authentic.[9] So a second brief was sent in September, 1607, to confirm and enforce the first. Blackwell gallantly advised his flock to take the oath in defiance of the brief. Priests confined in Newgate petitioned the Pope to have compassion on them. Forty-eight doctors of the Sorbonne against six declared that it might be taken with good conscience. And taken it was by many; but taken in despite of the tyrannical injunctions of Paul V., unhappily confirmed by Urban VIII. and by Innocent X.[10]

When it was proposed, in 1648, to banish Roman Catholics on account of the deposing power, their divines met and renounced the doctrine. This renunciation was condemned at Rome as heretical; but the attitude of France on these questions at the time prevented the publication of the decree.[11]

When the royal remonstrance of 1661 had been signed by certain Bishops and others of Ireland, it was condemned at Rome, in July, 1662, by the Congregation *de propagandâ;* and in the same month the Papal Nuncio at Brussels, who superintended the concerns of Irish Roman Catholics at the time, denounced it as already condemned by the constitutions of Paul V. and Innocent X.; and specially censured the ecclesiastics who, by signing it, had misled the laity.[12]

Well may Butler say, "The claim of the Popes to temporal power, by Divine right, has been one of the most calamitous events in the history of the Church. Its effects since the Reformation, on the English and Irish Catholics, have been dreadful."[1] And again: "How often did our ancestors experience that ultra-catholicism is one of the worst enemies of catholicity!"[2]

The vigor of the mind of Dryden is nowhere more evident than in parts of his poems of controversial theology; and they are important, as exhibiting that view of Roman Catholic tenets which was presented at the time for the purposes of proselytism. He mentions various opinions as to the seat of infallibility, describing that of the Pope's infallibility, with others as held by "some doctors," and states what he considers to be the true doctrine of the Latin Church, as follows:

> "I then affirm that this unfailing guide
> In Pope and general councils must reside,
> Both lawful, both combined: what one decrees,
> By numerous votes the other ratifies:
> On this undoubted sense the Church relies."[3]

When, in 1682, the Gallican Church, by the first of its four Articles, rejected the sophistical distinction of direct and indirect authority, and absolutely denied the power of the Pope in temporals, to this article, says Butler, there was hardly a dissentient voice, either clerical or lay. He adds that this principle is "now adopted by the universal Catholic Church."[4]

Such was the sad condition of the Anglo-Roman body in the seventeenth century. They were ground between the demands of the civil power, stern, but substantially just, on the one hand, and the cruel and outrageous impositions of the Court of Rome on the other. Even for the shameful scenes associated with the name and time of Titus Oates that Court is largely responsible; and the spirit that governed it in regard to the oath of Allegiance is the very same spirit which gained its latest triumphs in the Council of the Vatican.

I now pass to the period which followed the Revolution of 1688, especially with reference to the bold assertion that before 1870 the Pope's infallibility was a doctrine of Divine faith.

The Revolution, brought about by invasions of the law and the constitution, with which the Church of Rome was disastrously associated, necessarily partook of a somewhat vindictive character as toward the Anglo-Roman body. Our penal provisions were a mitigated, but also a debased, copy of the Papal enactments against heresy. It was not until 1757, on the appointment of the Duke of Bedford to the Lord-Lieutenancy of Ireland, that the first sign of life was given.[5] Indeed, it was only in 1756 that a new penal law had been proposed in Ireland.[6] But in the next year the Irish Roman Catholic Committee published a Declaration which disavowed the deposing and absolving power, with other odious opinions. Here it was averred that the Pope had "no temporal or civil jurisdiction," "directly or indirectly, within this realm." And it was also averred that it "is not an article of the Catholic faith, neither are we thereby required to believe or profess that the Pope is infallible:" in diametrical contradiction to the declaration of Archbishop Manning, that persons of his religion were bound to this belief before the Council of 1870.[7]

It may, indeed, be observed that in declaring they are not required to believe the infallibility of the Pope, the subscribers to this document do not say any thing to show that they did not for themselves hold the tenet. But a brief explanation will show that the distinction in this case is little better than futile. As we have seen, the Declaration set forth that the Pope had no temporal power in England. Now in the notorious Bull, *Unam Sanctam*, it had been positively declared *ex cathedrâ* that both the temporal and the spiritual sword were at the command of the Church, and that it was the office of the Pope, by a power not human but Divine, to judge and correct the secular authority. The language of the Declaration of 1757 was directly at variance with the language of the Pope, speaking *ex cathedrâ*, and therefore here, if any where, infallible. It could, therefore, only have been consistently used by persons who for themselves did not accept the tenet. I am aware it will be argued that the infallible part of the Bull is only the last sentence. It is well for those who so teach that Boniface VIII. is not alive to hear them. The last sentence is introduced by the word "Porro," *furthermore:* a strange substitute for "Be it enacted." The true force of that sentence seems to be, "Furthermore, we declare that this subjection to the Roman Pontiff, as hereinbefore described, is to be held as necessary for salvation." It is not the substance, but an addition to the substance.

If, however, any thing had been wanting in this Declaration, it would have been abundantly supplied by the Protestation of the Roman Catholics of England in 1788–9. In this very important document, which brought about the passing of the great English Relief Act of 1791, besides a repetition of the assurances generally which had been theretofore conveyed, there are contained statements of the greatest significance.

1. That the subscribers to it "acknowledge no infallibility in the Pope."
2. That their Church has no power that can directly or indirectly injure Protestants, as all she can do is to refuse them her sacraments, which they do not want.
3. That no ecclesiastical power whatever can

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[1] Fessler, "True and False Infallibility," English transl., p. iii.
[2] Newman, p. 82.
[3] Fessler, "Vraie et fausse Infaillibilité des Papes," French transl., p. 89.
[4] Greenwood, "Cathedra Petri," iv. 420.
[5] *Ibid.* v. 546.
[6] Fessler, p. 132.
[7] *Ibid.* pp. 8, 132, 134.
[8] *Ibid.* p. 8.
[9] Newman, p. 20.
[10] *Ibid.* p. 79.
[11] *Ibid.* p. 81.
[12] *Ibid.* p. 8.
[13] *Ibid.* p. 81.
[14] Fessler, p. 8 (Fr. Trans.).
[15] "Dublin Review," Jan., 1875, pp. 177, 210.

[1] Bishop Ullathorne, "Expost. Unraveled," p. 66.

[1] "The Month," December, 1874, p. 461.
[2] Bishop Doyle, "Essay on the Claims," p. 38.
[3] Letter to the "Times," Nov. 7, 1874.
[4] Letter to "New York Herald," Nov. 10, 1874. Letter to "Macmillan's Magazine," Oct. 22.
[5] "Temporal Mission of the Holy Ghost."
[6] Bishop Ullathorne, Letter, p. 14.
[7] Butler, "Historical Memoirs," iii. 411.
[8] *Ibid.* i. 303, *seq.*
[9] *Ibid.* 317.
[10] *Ibid.* i. 352.
[11] Caron, "Remonstrantia Hibernorum." Ed. 1731, p. 7. Comp. Butler, "Hist. Memoirs," ii. 18.
[12] Caron, p. 4. Butler, ii. 401, 2.

[1] Butler, i. 192.
[2] *Ibid.* ii. 85; also ii. 20.
[3] "The Hind and Panther," part ii.
[4] Butler, i. 358; and ii. 20.
[5] Butler, iv. 511. Sir H. Parnell, "History of the Penal Laws."
[6] Madden, "Historical Notice of the Penal Laws," p. 8.
[7] I cite the terms of this document from "The Elector's Guide," addressed to the freeholders of the county of York. No. 1, p. 44. York, 1826. It is also, I believe, to be found in "Parnell's History of the Penal Laws." 1808.

"directly or indirectly affect or interfere with the independence, sovereignty, laws, constitution, or government" of the realm.

This Protestation was, in the strictest sense, a representative and binding document. It was signed by two hundred and forty-one priests,[1] including all the Vicars Apostolic; by all the clergy and laity in England of any note; and in 1789, at a general meeting of the English Catholics in London, it was subscribed by every person present.[2]

Thus we have on the part of the entire body of which Archbishop Manning is now the head[3] a direct, literal, and unconditional rejection of the cardinal tenet which he tells us has always been believed by his Church, and was an article of Divine faith before as well as after 1870. Nor was it merely that the Protestation and the Relief coincided in time. The protesters explicitly set forth that the penal laws against them were founded on the doctrines imputed to them, and they asked and obtained the relief on the express ground that they renounced and condemned the doctrines.[4]

Some objection seems to have been taken at Rome to a portion (we are not told what) of the terms of the Protestation. The history connected herewith is rather obscurely given in Butler. But the Protestation itself was, while the Bill was before Parliament, deposited in the British Museum, by order of the Anglo-Roman body: "that it may be preserved there as a lasting memorial of their political and moral integrity."[5] Two of the four Vicars Apostolic, two clergymen, and one layman, withdrew their names from the Protestation on the deposit; all the rest of the signatures remained.

Canon Flanagan's "History of the Church in England" impugns the representative character of the Committee, and declares that the Court of Rome approved of proceedings taken in opposition to it.[6] But the material fact is the subscription of the Protestation by the clergy and laity at large. On this subject he admits that it was signed by "the greater part of both clergy and laity;"[7] and states that an organization in opposition to the Committee, founded in 1794 by one of the Vicars Apostolic, died a natural death after "a very few years."[8] The most significant part of the case, however, is perhaps this: that the work of Flanagan, which aims at giving a tinge of the new historical color to the opinions of the Anglo-Roman body, was not published until 1857, when things had taken an altogether new direction, and when the Emancipation controversies had been long at rest.

The Act of 1791 for England was followed by that of 1793 for Ireland. The Oath inserted in this Act is founded upon the Declaration of 1757, and embodies a large portion of it, including the words,

> "It is not an article of the Catholic Faith, neither am I thereby required to believe or profess, that the Pope is infallible."

I refer to this oath, not because I attach an especial value to that class of security, but because we now come to a Synodical Declaration of the Irish Bishops, which constitutes perhaps the most salient point of the whole of this singular history.

On the 26th of February, 1810, those Bishops declared as follows:

> "That said Oath, and the promises, declarations, abjurations, and protestations therein contained, are, *notoriously, to the Roman Catholic Church at large, become a part of the Roman Catholic religion, as taught by us the Bishops, and received and maintained by the Roman Catholic Churches in Ireland; and as such are approved and sanctioned by the other Roman Catholic Churches.*"[9]

It will now, I think, have sufficiently appeared to the reader who has followed this narration how mildly, I may say how inadequately, I have set forth in my former tract the pledges which were given by the authorities of the Roman Catholic Church to the Crown and State of the United Kingdom, and by means of which principally they obtained the remission of the penal laws, and admission to full civil equality. We were told in England by the Anglo-Roman Bishops, clergy, and laity that they rejected the tenet of the Pope's infallibility. We were told in Ireland that they rejected the doctrine of the Pope's temporal power, whether direct or indirect, although the Pope had in the most solemn and formal manner asserted his possession of it. We were also told in Ireland that Papal infallibility was no part of the Roman Catholic faith, and never could be made a part of it: and that the impossibility of incorporating it in their religion was notorious to the Roman Catholic Church at large, and was become part of their religion, and this not only in Ireland, but throughout the world. These are the declarations which reach in effect from 1661 to 1810; and it is in the light of these declarations that the evidence of Dr. Doyle in 1825, and the declarations of the English and Irish prelates of the Papal communion shortly afterward, are to be read. Here, then, is an extraordinary fullness and clearness of evidence, reaching over nearly two centuries: given by and on behalf of millions of men: given in documents patent to all the world: perfectly well known to the See and Court of Rome, as we know expressly with respect to merely the most important of all these assurances, namely, the actual and direct repudiation of infallibility in 1788-9. So that either that See and Court had at the last-named date, and at the date of the Synod of 1810, abandoned the dream of enforcing infallibility on the Church, or else by willful silence they were guilty of practicing upon the British Crown one of the blackest frauds recorded in history.

The difficulties now before us were fully foreseen during the sittings of the Council of 1870. In the Address prepared by Archbishop Kenrick, of St. Louis, but not delivered, because a stop was put to the debate, I find these words:

> "Quomodo fides sic gubernio Anglicano data conciliari possit cum definitione papalis infallibilitatis.... ipsi viderint qui ex Episcopis Hiberniensibus, sicut ego ipse, illud juramentum præstiterint."[1]

"In what way the pledge thus given to the English Government can be reconciled with the definition of Papal infallibility let those of the Irish Bishops consider who, like myself, have taken the oath in question."

The oath was, I presume, that of 1793. However, in Friedberg's "Sammlung der Actenstücke zum Concil," p. 151 (Tübingen, 1872), I find it stated, I hope untruly, that the Civiltà Cattolica, the prime favorite of Vaticanism, in Series viii. vol. i. p. 730, announced, among those who had submitted to the Definition, the name of Archbishop Kenrick.

Let it not, however, be for a moment supposed that I mean to charge upon those who gave the assurances of 1661, of 1757, of 1783, of 1793, of 1810, of 1825-6, the guilt of falsehood. I have not a doubt that what they said they one and all believed. It is for Archbishop Manning and his confederates, not for me, to explain how these things have come about; or it is for Archbishop MacHale, who joined as a Bishop in the assurances of 1826, and who then stood in the shadow and recent recollection of the Synod of 1810, but who now is understood to have become a party, by promulgation, to the Decree of the Pope's infallibility. There are but two alternatives to choose between: on the one side, that which I reject, the hypothesis of sheer perjury and falsehood; on the other, that policy of "violence and change in faith" which I charged, and stirred so much wrath by charging, in my former tract. I believed and I still believe it to be the true as well as the milder explanation. It is for those who reject it to explain their preference for the other solution of this most curious problem of history.[2]

And now what shall we say to that coloring power of imagination with which Dr. Newman[3] tints the wide landscape of these most intractable facts when he says it is a pity the Bishops could not have anticipated the likelihood that in 1870 the Council of the Vatican would attach to the Christian creed the Article of the Pope's infallibility. A pity it may be, but it surely is not a wonder, because they told us, as a fact notorious to themselves and to the whole Roman Catholic world, that the passing of such a decree was impossible.[4] Let us reserve our faculty of wondering for the letter of an Anglo-Roman, or, if he prefers it, Romano-Anglican Bishop, who in a published circular presumes to term "scandalous" the letter of an English gentleman because in that letter he had declared he still held the belief which in 1788-9 the whole body of the Roman Catholics of England assured Mr. Pitt that they held;[5] and let us learn which of the resources of theological skill will avail to bring together these innovations and the *semper eadem* of which I am, I fear, but writing the lamentable epitaph.

> "Non bene conveniunt, nec in unâ sede morantur."[6]

This question has been raised by me primarily as a British question, and I hope that, so far as this country is concerned, I have now done something to throw light upon the question whether Papal infallibility was or was not matter of Divine Faith before 1870, and consequently on the question whether the Vatican Decrees have "in no jot or tittle" altered the conditions of civil allegiance in connection with this infallibility.[7]

The declaration of the Irish prelates in 1810 was a full assurance to us that what they asserted for their country was also asserted for the whole Romish world.

But as evidence has been produced which goes directly into antiquity, and arguments have been made to show how innocuous is the new-fangled form of religion, I proceed to deal with such evidence and argument, in regard to my twofold contention against the Decrees—

1. In respect to infallibility.
2. In respect to obedience.

IV. THE VATICAN COUNCIL AND THE INFALLIBILITY OF THE POPE, CONTINUED.

Breach with History, No. 2.

IN a single instance I have to express my regret for a statement made with culpable inadvertence. It is in p. 22, where I have stated that the Popes had kept up their claim to dogmatic infallibility with comparatively little intermission "for well-nigh one thousand years." I can not even account for so loose an assertion, except by the fact that the point lay out of the main line of my argument, and thus the slip of the pen once made escaped correction. Of the claim to a supremacy virtually absolute, which I combined with the other claim, the statement is true; for this may be carried back, perhaps, to the ninth century and the appearance of the false decretals. That was the point which entered so largely into the great conflicts of the Middle Ages. It is the point which I have treated as the more momentous; and the importance of the tenet of infallibility in faith and morals seems to me to arise chiefly from its aptitude for combination with the other. As matter of fact, the stability and great authority of the Roman Church in controversies of faith were acknowledged generally from an early period. But the heresy of Honorius, to say nothing of other Popes, became, from his condemnation by a General Council and by a long series of Popes as well as by other Councils, a matter so notorious that it could not fade from the view even of the darkest age; and the possibility of a heretical Pope grew to be an idea perfectly familiar to the general mind of Christendom. Hence in the Bull, *Cum ex Apostolatûs Officio*, Paul IV. declares (1559) that if a heretic is chosen as Pope, all his acts shall be void *ab initio*. All Christians are absolved from their obedience to him, and enjoined to have recourse to the temporal power.[1] So likewise, in the Decretals themselves, it is provided that the Pope can only be brought to trial in case he is found to deviate from the faith.[2]

It is an opinion held by great authorities that no pontiff before Leo X. attempted to set up the infallibility of Popes as a dogma. Of the citations in its favor which are arrayed by Archbishop Manning in his *Privilegium Petri*,[3] I do not perceive any earlier than the thirteenth century, which appear so much as to bear upon the question.[4] There is no Conciliary declaration, as I need scarcely add, of the doctrine. This being so, the point is not of primary importance. The claim is one thing, its adoption by the Church, and the interlacing of it with a like adoption of the claim to obedience, are another. I do not deny to the opinion of Papal infallibility an active, though a checkered and intermittent, life exceeding six centuries.

Since, then, I admit that for so long a time the influences now triumphant in the Roman Church have been directed toward the end they have at last attained, and seeing that my statement as to the liberty which prevailed before 1870 has been impugned, I am bound to offer some proof of that statement. I will proceed, in this instance as in others, by showing that my allegation is much within the truth: that not only had the Latin Church forborne to adopt the tenet of Papal infallibility, but that she was rather bound by consistency with her own principles, as recorded in history, to repel and repudiate that tenet. I refer to the events of the great epoch marked by the Council of Constance. And the proof of the state of facts with regard to that epoch will also be proof of my more general allegation that the Church of Rome does not keep good faith with history, as it is handed down to her, and marked out for her, by her own annals. I avoided this discussion in the former tract, because it is necessarily tinctured with theology: but the denial is a challenge, which I can not refuse to take up.

It is alleged that certain of my assertions may be left to confute one another. I will show that they are perfectly consistent with one another.

The first of them charged on Vaticanism that it had disinterred and brought into action the extravagant claims of Papal authority, which were advanced by Popes at the climax of their power, but which never entered into the faith even of the Latin Church.

The second, that it had added two if not three new articles to the Christian Creed—the two articles of the Immaculate Conception and of Papal Infallibility, with what is at least a new law of Christian obligation, the absolute duty of all Christians and all Councils to obey the Pope in his decrees and commands, even where fallible, over the whole domain of faith, morals, and the government and discipline of the Church. This law is now for the first time, I believe, laid down by the joint and infallible authority of Pope and Council. Dr. Newman[5] wonders that I should call the law absolute. I call it absolute because it is without exception and without limitation.

To revive obsolete claims to authority, and to innovate in matter of belief, are things perfectly compatible: we have seen them disastrously combined. In such innovation is involved, as I will now show, a daring breach with history.

While one portion of the Roman theologians have held the infallibility of the Pope, many others have taught that an Ecumenical Council together with a Pope constitutes *per se* an infallible authority in faith and morals. I believe it to be also true that it was, down to that disastrous date, compatible with Roman orthodoxy to hold that not even a Pope and a Council united could give the final seal of certainty to a definition, and that for this end there was further necessary the sanction, by acceptance, of the Church diffused. This last opinion, however, seems to have gone quite out of fashion; and I now address myself to the position in argument of those who hold that in the decree of a Council, approved by the Pope, the character of infallibility resides.

Both the Council of Constance and the Council of the Vatican were in the Roman sense Ecumenical: and it is this class of councils alone that is meant where infallibility is treated of. I shall endeavor to be brief, and to use the simplest language.

The Council of the Vatican decreed (chap. iii.) that the Pope had from Christ immediate power over the universal Church (par. ii.).

That all were bound to obey him, of whatever rite and dignity, collectively as well as individually (*cujuscunque ritûs et dignitatis......tam seorsum singuli, quam simul omnes.* Ibid.).

That this duty of obedience extended to all matters of faith, of morals, and of the discipline and government of the Church (*ibid.*, and par. iv.).

That in all ecclesiastical causes he is judge, without appeal or possibility of reversal (par. iv.).

That the definitions of the Pope in faith and morals, delivered *ex cathedrâ*, are irreformable, and are invested with the infallibility granted by Christ in the said subject-matter to the Church (par. iv.).

Now let us turn to the Council of Constance.

This Council, supported by the following Council of Basle before its translation to Ferrara, had decreed in explicit terms that it had from Christ immediate power over the universal Church, of which it was the representative.

That all were bound to obey it, of whatever state and dignity, even if Papal, in all matters pertaining to faith, or to the extirpation of the subsisting schism, or to the reformation of the Church in its head and its members.[1]

In conformity herewith the Council of Constance cited, as being itself a superior authority, three Popes to its bar. Gregory XII. anticipated his sentence by resignation. Benedict XIII. was deposed, as was John XXIII., for divers crimes and offenses, but not for heresy. Having thus made void the Papal Chair, the Council elected thereto Pope Martin V.

It is not my object to attempt a general appreciation of the Council of Constance. There is much against it to be said from many points of view, if there be more for it. But I point out that, for the matter now in hand, the questions of fact are clear, and that its decrees are in flat and diametrical contradiction to those of the Vatican.

This of itself would not constitute any difficulty for Roman theology, and would give no proof of its breach with history. It is admitted on all or nearly all hands that a Council, however great its authority may be, is not of itself infallible. What really involves a fatal breach with history is when a body which professes to appeal to it, having proclaimed a certain organ to be infallible, then proceeds to ascribe to it today an utterance contradictory to its utterance of yesterday; and, thus depriving it not only of all certainty, but of all confidence, lays its honor prostrate in the dust. This can only be brought home to the Roman Church if two of her Councils, contradicting one another in the subject-matter of faith or morals, have each respectively been confirmed by the Pope, and have thus obtained, in Roman eyes, the stamp of infallibility. Now this is what I charge in the present instance.

It is not disputed, but loudly asseverated, by Vaticanists that the Council of the Vatican has been approved and confirmed by the Pope.

But an allegation has been set up that the Council of Constance did not receive that confirmation in respect to the Decree of the Fifth Session which asserted its power, given by Christ, over the Pope. Bishop Ullathorne says:

> "Although the mode of proceeding in that Council was really informal, inasmuch as its members voted by nations, a portion of its doctrinal decrees obtained force through the dogmatic Constitution of Martin V."[2]

Here it is plainly implied that the Decree of the Fifth Session was not confirmed. And I have read in some Ultramontane production of the last three months an exulting observation that the Decrees of the Fourth and Fifth Sessions were not confirmed by the Pope, and that thus, I presume like the smitten fig-tree, they have remained a dead letter. Let us examine this allegation; but not that other statement of Archbishop Manning that the proceeding was null from the nullity of the assembly, the irregularity of the voting, and the heterodoxy of the matter.[3] The Pope's confirmation covers and disposes of all these arbitrary pleas. Whether it did so or not is to be tried by the evidence of authoritative documents.

In the record of the Council of Constance we are told that, in its Forty-fifth Session, the Pope declared not that he confirmed a part of its doctrinal decrees, but "that he would hold and inviolably observe, and never counteract in any manner, each and all of the things which the Council had in full assembly determined, concluded, and decreed in matters of faith (*in materiis fidei*)."[4] And he approves and ratifies accordingly.

Embracing all the decrees described in its scope, this declaration is in tone as much an adhesion as a confirmation by independent or superior authority. But let that pass. Evidently it gives all that the Pope had in his power to give.

The only remaining question is whether the Decree of the Fifth Session was or was not a decree of faith.

Now upon this question there are at least two independent lines of argument, each of which respectively and separately is fatal to the Ultramontane contention: this contention being that, for want of the confirmation of Pope Martin V., that Decree fell to the ground.

First, Pope Martin V. derived his whole power to confirm from his election to the Papal Chair by the Council. And the Council was competent to elect, because the See was vacant. And the See was vacant because of the depositions of the three rival Popes; for if the See was truly vacant before, there had been no Pope since the schism in 1378, which is not supposed by either side. But the power of the Council to vacate the See was in virtue of the principle asserted by the Decree of the Fifth Session. We arrive, then, at the following dilemma. Either that Decree

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[1] Slater's Letters on "Roman Catholic Tenets," p. 6.

[2] Butler, "Hist. Memoirs," ii. 118, 126.

[3] Prelates really should remember that they may lead their trustful lay followers into strange predicaments. Thus Mr. Towneley (of Towneley, I believe), in his letter of November 18 to the "Times," dwells, I have no doubt with perfect justice, on the loyalty of his ancestors, but unhappily goes on to assert that "the Catholic Church has always held and taught the infallibility of the Pope in matters of faith and morals." No: the Roman Catholics of England denied it in their Protestation of 1788-9; and on the list of the Committee, which prepared and promoted that Protestation, I find the name of Peregrine Towneley, of Towneley.—*Ibid.* ii. 304.

[4] Butler, "Hist. Memoirs," ii. 119, 125.

[5] *Ibid.* ii. 136-8.

[6] Flanagan, ii. 398.

[7] *Ibid.* ii. 394.

[8] *Ibid.* ii. 407.

[9] Slater on "Roman Catholic Tenets," pp. 14, 15.

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[1] Friedrich, "Doc. ad Illust. Conc. Vat.," i. p. 219.

[2] See Appendices D and E.

[3] Dr. Newman, p. 17.

[4] See Appendix D.

[5] Letter of Mr. Petre to the "Times" of Nov. 15, 1874; of Bishop Vaughan, Jan. 2, 1875.

[6] Ov. Metamorph.

[7] For a practical indication of the effect produced by the Roman Catholic disclaimers, now denounced as "scandalous," see Appendix E.

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[1] Von Schulte, "Power of the Popes," iv. 30.

[2] "Hujus culpas istic redarguere præsumit mortalium nullus, quia cunctos ipse judicaturus a nemine est judicandus, *nisi deprehendatur a fide devius*."—"Decr. i. Dist., xl. c. vi."

[3] "Petri Privilegium," ii. 70-91.

[4] *Ibid.*

[5] Dr. Newman, pp. 45, 53.

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[1] Labbe, "Concilia," vol. xii. 22, ed. Paris, 1672.

[2] "Expostulation Unraveled," p. 42.

[3] "Petri Privilegium," ii. 95.

[4] Labbe, "Concilia," vol. xii. 258. See Appendix F for the most important passages.

had full validity by the confirmation of the Pope, or Martin the Fifth was not a Pope; the Cardinals made or confirmed by him were not Cardinals, and could not elect validly his successor, Eugene IV.; so that the Papal succession has failed since an early date in the fifteenth century, or more than four hundred and fifty years ago.

Therefore the Decree of the Fifth Council must, upon Roman principles, have been included in the *materiæ fidei* determined by the Council, and was confirmed by Pope Martin V.

But again. It has been held by some Roman writers that Pope Martin V. only confirmed the Decrees touching Faith; that the Decree of the Fifth Session did not touch Faith, but only Church government, and that accordingly it remained unconfirmed.

Now in the Apostles' Creed and in the Nicene Creed we all express belief in the Holy Catholic Church. Its institution and existence are therefore strictly matter of faith. How can it be reasonably contended that the organized body is an article of faith, but that the seat of its vital, sovereign power, by and from which it becomes operative for belief and conduct, belongs to the inferior region of the ever mutable discipline of the Church?

But this is argument only; and we have a more sure criterion at command, which will convict Vaticanism for the present purpose out of its own mouth. Vaticanism has effectually settled this question as against itself. For it has declared that the Papal Infallibility is a dogma of Faith (*divinitus revelatum dogma*, "Const.," ch. iv.). But if by this definition the Infallibility of the Pope in definitions of faith belongs to the province of *materiæ fidei* and of *ea quæ pertinent ad fidem*, the negative of the proposition thus affirmed, being in the same subject-matter, belongs to the same province. It therefore seems to follow, by a demonstration perfectly rigorous,

1. That Pope Martin V. confirmed (or adopted) a Decree which declares the judgments and proceedings of the Pope, in matters of faith, without exception, to be reformable, and therefore fallible.
2. That Pope Pius IX. confirmed (and proposed) a Decree which declares certain judgments of the Pope, in matters of faith and morals, to be infallible; and these, with his other judgments in faith, morals, and the discipline and government of the Church, to be irreformable.
3. That the new oracle contradicts the old, and again the Roman Church has broken with history in contradicting itself.
4. That no oracle which contradicts itself is an infallible oracle.
5. That a so-called Ecumenical Council of the Roman Church, confirmed or non-confirmed by the Pope, has, upon its own showing, no valid claim to infallible authority.

The gigantic forgeries of the false Decretals, the general contempt of Vaticanism for history, are subjects far too wide for me to touch. But for the present I leave my assertion in this matter to stand upon—

1. The case of the Roman Catholics of the United Kingdom before 1829.
2. The Decrees of the Council of Constance, compared with the Decrees of the Council of the Vatican.

When these assertions are disposed of, it will be time enough to place others in the rank. I will now say a word on the cognate subject of Gallicanism, which has also been brought upon the carpet.

It would be unreasonable to expect from Archbishop Manning greater accuracy in his account of a foreign Church than he has exhibited with regard to the history of the communion over which he energetically presides.

As the most famous and distinct of its manifestations was that exhibited in the Four Articles of 1682, it has pleased the Archbishop to imagine, and imagining to state, that in that year Gallicanism took its rise. Even with the help of this airy supposition, he has to admit that in the Church where all is unity, certainty, and authority a doctrine contrary to Divine faith, yet proclaimed by the Church of France, was, for want of a General Council, tolerated for one hundred and eighty-eight years. Indeed, he alleges[1] the errors of the Council of Constance, four hundred and sixty years ago, as a reason for the Council of the Vatican.

"Nor were Catholics free to deny his infallibility before 1870. The denial of his infallibility had, indeed, never been condemned by a definition, because *since the rise of Gallicanism in* 1682 no Ecumenical Council had ever been convoked."[2]

I will not stop to inquire why, if the Pope has all this time been infallible, a Council was necessary for the issuing of a definition, since we are now on matters of history, and the real difficulty would be to know where to dip into the prior history of France without finding matter in utter contradiction to the Archbishop's allegation. An Anglo-Roman writer has told us that in the year 1612 [query, 1614?] the assembly of the Gallican Church declared that the power of the Popes related to spiritual matters and eternal life, not to civil concerns and temporal possessions.[3] In the year 1591, at Mantes and Chartres, the prelates of France in their assembly refused the order of the Pope to quit the king, and on the 21st of September repudiated his Bulls as being null in substance and in form.[4] It has always been understood that the French Church played a great part in the Council of Constance: is this also to be read backward, or effaced from the records? Or, to go a little further back, the Council of Paris in 1393 withdrew its obedience altogether from Benedict XIII. without transferring it to his rival at Rome; restored it upon conditions in 1403; again withdrew it, because the conditions had not been fulfilled, in 1406; and so remained until the Council of Constance and the election of Martin V.[1] And what are we to say to Fleury, who writes:

> "Le concile de Constance établit la maxime *de tout temps enseignée en France*, que tout Pape est soumis au jugement de tout concile universel en ce qui concerne la foi."[2]

One of the four articles of 1682 simply re-affirms the decree of Constance: and as Archbishop Manning has been the first, so he will probably be the last, person to affirm that Gallicanism took its rise in 1682.

This is not the place to show how largely, if less distinctly, the spirit of what are called the Gallican liberties entered into the ideas and institutions of England, Germany, and even Spain. Neither will I dwell on the manner in which the decrees of Constance ruled for a time not only the minds of a school or party, but the policy of the Western Church at large, and proved their efficacy and sway by the remarkable submission of Eugenius IV. to the Council of Basle. But I will cite the single sentence in which Mr. Hallam, writing, alas! nearly sixty years back, has summed up the case of the decrees of Constance:

> "These decrees are the great pillars of that moderate theory with respect to the Papal authority which distinguished the Gallican Church, and is embraced, I presume, by almost all laymen, and the major part of ecclesiastics, on this side the Alps."[3]

V. THE VATICAN COUNCIL AND OBEDIENCE TO THE POPE.

ARCHBISHOP MANNING has boldly grappled with my proposition that the Third Chapter of the Vatican Decrees had forged new chains for the Christian people, in regard to obedience, by giving its authority to what was previously a claim of the Popes only, and so making it a claim of the Church. He is astonished at the statement, and he offers[4] what he thinks a sufficient confutation of it, in six citations.

The last four of these begin with Innocent III., and end with the Council of Trent. Innocent III. and Sixtus IV. simply claim the *regimen* or government of the Church, which no one denies them. The Council of Florence speaks of *plena potestas*, and the Council of Trent of *suprema potestas*, as belonging to the Pope. Neither of these assertions touches the point. Full power and supreme power in the government of a body may still be limited by law. No other power can be above them. But it does not follow that they can command from all persons an unconditional obedience, unless themselves empowered by law so to do. We are familiar, under the British monarchy, both with the term supreme and with its limitation.

The Archbishop, however, quotes a Canon or Chapter of a Roman Council in 863 which anathematizes all who despise the Pope's orders with much breadth and amplitude of phrase. If taken without the context, it fully covers the ground taken by the Vatican Council. It anathematizes all who contemn the decrees of the Roman See in faith, discipline, or correction of manners, or for the remedy or prevention of mischief. Considering that the four previous Canons of this Council, and the whole proceedings, relate entirely to the case of the Divorce of Lothair, it might, perhaps, be argued that the whole constitute only a *privilegium*, or law for the individual case, and that the anathema of the Fifth Canon must be limited to those who set at naught the Pope's proceedings in that case. But the point is of small consequence to my argument.

But then the Roman Council is local, and adds no very potent reinforcement to the sole authority of the Pope. The question then remains how to secure for this local and Papal injunction the sanction of the Universal Church, in the Roman sense of the word. Archbishop Manning, perfectly sensible of what is required of him, writes that "this Canon was recognized in the Eighth General Council, held at Constantinople in 869." He is then more than contented with this array of proofs; and confining himself, as I am bound to say he does in all personal matters throughout his work, to the mildest language consistent with the full expression of his ideas, he observes that I am manifestly out of my depth.[5]

I know not the exact theological value of the term "recognized," but I conceive it to mean virtual adoption. Such an adoption of such a claim by a General Council appeared to me a fact of the utmost significance. I referred to many of the historians of the Church, but I found no notice of it in those whom I consulted, including Baronius. From these unproductive references I went onward to the original documents.

The Eighth General Council, so-called, comprised only those bishops of the East who adhered to, and were supported by, the See of Rome and the Patriarch Ignatius, in the great conflict of the ninth century. It would not, therefore, have been surprising if its canons had given some at least equivocal sanction to the high Papal claims. But, on the contrary, they may be read with the greatest interest as showing, at the time immediately bordering on the publication of the false Decretals, how little way those claims had made in the general body of the Church. The system which they describe is the Patriarchal, not the Papal system: the fivefold distribution of the Christian Church under the five great Sees of the Elder and the New Rome, Alexandria, Antioch, and Jerusalem. Of these the Pope of Rome is the first, but as *primus inter pares* (Canons XVII., XXI., Lat.).[1] The causes of clergy on appeal are to be finally decided by the Patriarch in each Patriarchate (Canon XXVI., Lat.);[2] and it is declared that any General Council has authority to deal, but should deal respectfully, with controversies of or touching the Roman Church itself (Canon XXI., Lat.; XIII., Gr.).[3] This is one of the Councils which solemnly anathematizes Pope Honorius as a heretic.

The reference made by Archbishop Manning is, as he has had the goodness to inform me, to the Second Canon.[4] The material words are these:

> "Regarding the most blessed Pope Nicolas as an organ of the Holy Spirit, and likewise his most holy successor Adrian, we accordingly define and enact that all which they have set out and promulgated synodically from time to time, as well for the defense and well-being of the Church of Constantinople, and of its Chief Priest and most holy Patriarch Ignatius, as likewise for the expulsion and condemnation of Photius, neophyte and intruder, he always observed and kept alike entire and untouched, under (or according to) the heads set forth (*cum expositis capitulis*)."[5]

There is not in the Canon any thing relating to the Popes generally, but only to two particular Popes; nor any reference to what they did personally, but only to what they did synodically; nor to what they did synodically in all matters, but only in the controversy with Photius and the Eastern Bishops adhering to him. There is not one word relating to the Canon of 863, or to the Council which passed it: which was a Council having nothing to do with the Photian controversy, but called for the purpose of supporting Pope Nicholas I. in what is commonly deemed his righteous policy with respect to the important case of the Divorce of Lothair.[6]

So that the demonstration of the Archbishop falls wholly to the ground: and down to this time my statement remains entire and unhurt. The matter contained in it will remain very important until the Council of the Pope shall amend its decree so as to bring it into conformity with the views of Dr. Newman, and provide a relief to the private conscience by opening in the great gate of Obedience a little wicket door of exceptions for those who are minded to disobey.

Had the Decrees of 1870 been in force in the sixteenth and seventeenth centuries, Roman Catholic peers could not have done what, until the reign of Charles II., they did—could not have made their way to the House of Lords by taking the oath of allegiance despite the Pope's command. But that is not all. The Pope *ex cathedrâ* had bidden the Roman Catholics of England in the eighteenth century, and in the sixteenth, and from the fourteenth, to believe in the Deposing power as an article of faith. But they rejected it: and the highest law of their Church left them free to reject it. Has it not bound them now? The Pope in the sixteenth century bade the Roman Catholics of England assist the invasion of the Spanish Armada. They disobeyed him. The highest law of their Church left them free to disobey. Are they free now? That they will assert this freedom for themselves I do not question, nay, I entirely believe. From every standing-point except that of Vaticanism their title to it is perfect. With Vaticanism to supply their premiss, how are they to conclude? Dr. Newman says there are exceptions to this precept of obedience. But this is just what the Council has not said. The Church by the Council imposes Aye. The private conscience reserves to itself the title to say No. I must confess that in this apology there is to me a strong, undeniable smack of Protestantism. To reconcile Dr. Newman's conclusion with the premisses of the Vatican will surely require all, if not more than all, "the vigilance, acuteness, and subtlety of the *Schola Theologorum*."[7]

The days of such proceedings, it is stated, are gone by: and I believe that, in regard to our country, they have passed away beyond recall. But that is not the present question. The present question is whether the right to perform such acts has been effectually disavowed. With this question I now proceed to deal.

VI. REVIVED CLAIMS OF THE PAPAL CHAIR.

1. *The Deposing Power.*
2. *The Use of Force.*

IT will perhaps have been observed by others, as it has been by me, that from the charges against my account of the Syllabus are notably absent two of its most important and instructive heads. I accuse the Syllabus of teaching the right of the Church to use force, and of maintaining the deposing power.

When my tract was published I had little idea of the extent to which, and (as to some of them) the hardihood with which, those who should have confuted my charges would themselves supply evidence to sustain them.

Bishop Clifford, indeed, sustains the deposing power on the ground that it was accorded to the Pope by the nations. It was simply a case like that of the Geneva Arbitrators.[8] Dr. Newman[9] defends it, but only upon conditions. The circumstances must be rare and critical. The proceeding must be judicial. It must appeal to the moral law. Lastly, there must be a united consent of various nations. In fine, Dr. Newman accepts the deposing power only under the conditions which, as he thinks, the Pope himself lays down.

These allegations quiet my fears, but they strain my faith; and, purporting to be historical, they shock my judgment. For they are, to speak plainly, without foundation. The Arbitrators at Geneva settled a dispute, which they recited in formal terms, that the two parties to it had empowered and invited them to settle. The point of consent is the only weighty one among the four conditions of Dr. Newman, and is the sole point raised by Bishop Clifford. Did, then, Paul III., as arbitrator in the case of Henry VIII., pursue a like procedure? The first words of his Bull are, "The condemnation and excommunication of Henry VIII., King of England:" not an auspicious beginning. There is nothing at all about arbitration, or consent of any body, but a solemn and fierce recital of power received from God, not from the nations, or from one nation, or from any fraction of a nation; power "over the nations and over the kingdoms, to pluck up and to destroy, to build up and to plant, as chief over all kings of the whole earth, and all peoples possessing rule." Exactly similar is the "arbitration" of Pius V. between himself and Elizabeth to the "arbitration" of Paul III. between himself and Henry VIII.

Archbishop Manning, indeed, has thrown[1] in a statement, the utility of which it is hard to understand, that Queen Elizabeth "was baptized a Catholic." She was baptized after Appeals to Rome had been abolished, and two years after the Clergy had owned in the King that title of Headship which Mary abolished, and which never has been revived. But Archbishop Manning knows quite well that the Papal claims of right extend to all baptized persons whatever, and Queen Victoria could have no exemption unless it could be shown that she was unbaptized.

The doctrine of the consent of nations is a pure imagination. The general truth of the matter is that the Popes of the Middle Ages, like some other persons and professions, throve upon the discords of their neighbors. Other powers were only somewhere: the Pope, in the West, was every where. Of the two parties to a quarrel, it was worth the while of each to bid for the assistance of the Pope against his enemy; and he that bid the highest, not merely in dry acknowledgment of the Papal prerogatives, but also commonly in the solid tribute of Peterpence, or patronages, or other tangible advantages, most commonly got the support of the Pope. This is a brief and rude outline; but it is history, and the other is fiction.

But does Dr. Newman stand better at this point? He only grants the deposing power in the shape in which the Pope asks it, and he says the Pope only asks it on the conditions of which one is "a united consent of various nations."[2] In the Speech of the Pope, however, which he cites, there is nothing corresponding to this account. The Pope says distinctly, "Of this right the *Fountain* is [not the Infallibility, but] the Pontifical Authority." The people of the Middle Ages—what did they do? made him an arbitrator or judge? No: but recognized in him that which—what? he was? no: but—"he IS; the Supreme Judge of Christendom." The right was not created, but "assisted, as was DUE to it, by the public law and common consent of the nations." If this is not enough, I will complete the demonstration. An early report of the Speech[3] from the Roman newspapers winds up the statement by describing the Deposing Power as

> "A right which the Popes, *invited by the call of the nations, had to exercise*, when the general good demanded it."

But in the authorized and final report[4] given in the Collection of the Speeches of Pius IX. this passage is corrected, and runs thus,

> "A right which the Popes *exercised in virtue of their authority* when the general good demanded it."[5]

Thus Bishop Clifford and Dr. Newman are entirely at issue with the Pope respecting the deposing power. Will they not have to reconsider what they are to say, and what they are to believe? That power, it must be borne in mind, appears to have one of the firmest possible Pontifical foundations in the Bull *Unam Sanctam*, which is admitted on all hands to be a declaration *ex cathedrâ*.

But it is not to the more moderate views of the Bishop and Dr. Newman that we are to resort for information on the ruling fashions of Roman doctrine. Among the really orthodox defenders of Vaticanism, who have supplied the large majority of Reproofs and Replies, I do not recollect to have found one single disavowal of the deposing power. Perhaps the nearest approach to it from any writer of this school is supplied by Monsignor Capel, who remarks that the Pope's office of arbiter is at an end, or "at least *in abeyance*."[6] There are, indeed, enough of disavowals wholly valueless. For example, disavowals of the universal monarchy, by which it appears to be meant that the Popes never claimed, in temporals, such a monarchical power as is now accorded to them in spirituals, namely, a power absorbing and comprehending every other power whatever. Or, again, disavowals of the *directa potestas*. For one, I attach not a feather's weight to the distinction between the direct power and the indirect. Speaking in his

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[1] "Petri Privilegium," ii. 40.

[2] Letter to "Macmillan's Magazine," Oct. 22, 1874.

[3] Cited in Slater's Letters, p. 23, from "Hook's Principia," iii. 577.

[4] Continuator of Fleury, "Hist. Eccl.," xxxvi. 337 (Book 169, ch. 84).

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[1] Du Chastenet, "Nouvelle Histoire du Conc. de Constance" (preface); and "Preuves," pp. 79, 84, *seq.*, 95, 479 (Paris, 1718).

[2] Fleury, "Nouv. Opusc.," p. 44, cited in Demaistre, "Du Pape," p. 82. See also Fleury, "Hist. Eccl." (Book 102, ch. 188).

[3] "Hist. of the Middle Ages," chap. vii. part 2.

[4] Archbishop Manning, pp. 12, 13.

[5] Archbishop Manning, "Vatican Decrees," pp. 12, 13.

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[1] Labbe (ed. Paris, 1671), vol. x. pp. 1136, 1140.

[2] *Ibid.* 1143.

[3] *Ibid.* 1140, 1375.

[4] *Ibid.* p. 1127, Lat., p. 1367, Gr., where the reader should be on his guard against the Latin version, and look to the Greek original.

[5] See the original in Appendix G.

[6] Labbe, x. 766, *seq.*

[7] Dr. Newman, p. 121.

[8] "Pastoral Letter," p. 12.

[9] Dr. Newman, pp. 36, 37.

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[1] Archbishop Manning, p. 89. See the Anathemas of the Council of Trent against those who deny that heretics, as being baptized persons, are bound to obedience to the Church. I hope the Archbishop has not incautiously incurred them.

[2] Dr. Newman, p. 37.

[3] "Tablet," Nov. 21, 1874, Letter of C. S. D.

[4] "Discorsi di Pio IX.," vol. i. p. 203.

[5] "Tablet" original (for which I am not responsible): "Un diritto, che i Papi, *chiamati dal voto dei popoli, dovettero esercitare* quando il comun bene lo domandava." Authorized original: "Un diritto che i Papi *esercitarono in virtù della loro Autorità*, quando il comun bene lo dimandava."

[6] Dr. Capel, p. 60.

own person, Archbishop Manning eschews the gross assertions to which in another work he has lent a sanction,[1] and seems to think he has mended the position when he tells us that the Church, that is to say, the Pope, "has a supreme judicial office in respect to the moral law over all nations and over all persons, both governors and governed." As long as they do right, it is directive and preceptive; when they do wrong, the black cap of the judge is put on, *ratione peccati*, "by reason of sin." That is to say, in plain words, the right and the wrong in the conduct of States and of individuals is now, as it always has been, a matter for the judicial cognizance of the Church; and the entire judicial power of the Church is summed up in the Pope.

> "If Christian princes and their laws deviate from the law of God, the Church has authority from God to judge of that deviation, and *by all its powers* to enforce the correction of that departure from justice."[2]

I must accord to the Archbishop the praise of manliness. If we are henceforward in any doubt as to his opinions, it is by our own fault. I sorrowfully believe, moreover, that he does no more than express the general opinion of the teachers who form the ruling body in his Church at large, and of the present Anglo-Romish clergy almost without exception. In the episcopal manifesto of Bishop Ullathorne I see nothing to qualify the doctrine. In the Pastoral Letter of Bishop Vaughan the comfort we obtain is this, "it will never, as we believe, be exercised again;" and "it is a question purely speculative. It is no matter of Catholic faith, and is properly relegated to the schools."[3] Bishop Vaughan does not appear to bear in mind that this is exactly what we were told, not by his predecessors of 1789, who denied Infallibility outright; not by the Synod of 1810, who affirmed it to be impossible that Infallibility ever could become an article of faith; but even in the "bated breath" of later times with respect to Infallibility itself, which, a little while after, was called back from the schools and the speculative region, and uplifted into the list of the Christian *credenda;* and of which we are now told that it has been believed always, and by all, only its boundaries have been a little better marked.

In the train of the Bishops (I except Bishop Clifford) come priests, monks, nay, laymen: Vaticanism in all its ranks and orders. And among these champions not one adopts the language even of Bishop Doyle, much less of 1810, much less of 1789. The "Monk of St. Augustine's" is not ashamed to say that Bishop Doyle, who was put forward in his day as the champion and representative man of the body, "held opinions openly at variance with those of the great mass."[4]

2. *Title to the Use of Force.*

Equally clear and equally unsatisfactory are the Ultramontane declarations with respect to the title of the Church to employ force. Dr. Newman holds out a hand to brethren in distress by showing that a theological authority who inclines to the milder side limits the kind of force which the Church has of herself a right to employ. "The lighter punishments, though temporal and corporal, such as shutting up in a monastery, prison, flogging, and others of the same kind, short of effusion of blood, the Church, *jure suo*, can inflict."[5] And again: the Church does not claim the use of force generally, but only *that* use of force which Professor Nuytz denied.

We can from this source better understand the meaning of Archbishop Manning when he states[6] that the Church has authority from God to correct departures from justice by the use of "all its powers." The favorite mode of conveying this portion of truth—a portion so modest that it loves not to be seen—is by stating that the Church is a "perfect society." "The Church is a society complete and perfect in and by itself, and amply sufficing not only to bring men to salvation and everlasting bliss, but also to establish and perfectly regulate social life among them."[7] The Church has been created, says Bishop Vaughan, a "perfect society or kingdom," "with full authority in the triple order, as needful for a perfect kingdom, legislative, judicial, and coercive."[8] His Metropolitan treats the subject at some length; assures us that the members of his communion would not make use of force if they were able, but nowhere disclaims the right.[9] Indeed, he can not: he dares not. The inexorable Syllabus binds him to maintain it, as Ixion was bound to his wheel.

The subject, however, is one of the burning class; and it appears to terrify even Archbishop Manning. He refers us to the famous brief or letter of Innocent III., headed *Novit*, in his Appendix, where he states that the text is given in full.[10] In the document, as it is there given, will be found the Pope's assertion that it is his part to pass judgment on sovereigns in respect of sin (*ratione peccati*), and that he can coerce them by ecclesiastical constraint (*districtionem*). But the text of the brief is, according to my copy of the Decretals, not given in full; and the copyist has done the Pope scanty justice. He seems to have omitted what is the clearest and most important passage of the whole, since it distinctly shows that what is contemplated is the use of force.

> "The Apostle also admonishes us to rebuke disturbers, and elsewhere he says: 'Reprove, intreat, rebuke, with all patience and doctrine.' Now that we are *able, and also bound to coerce*, is plain from this, that the Lord says to the Prophet, who was one of the priests of Anathoth: 'Behold, I have appointed thee over the nations and the kings, that thou mayest tear up, and pull down, and scatter, and build, and plant.'"[1]

With regard to Dr. Newman's limitation of the Proposition I must cite an authority certainly higher in the Papal sense. The Jesuit Schrader has published, with a Papal approbation attached, a list of the affirmative propositions answering to the negative condemnations of the Syllabus. I extract his Article 24:[2]

> "The Church has the power to apply external coercion (*äusseren Zwang anzuwenden*): she has also a temporal authority direct and indirect."

The remark is appended, "Not souls alone are subject to her authority."

All, then, that I stated in the Expostulation on the Deposing Power and on the claims of the Roman Church to employ force is more than made good.

It was, I suppose, to put what Burnet would call a face of propriety on these and such like tenets that one of the combatants opposed to me in the present controversy has revived an ingenious illustration of that clever and able writer, the late Cardinal Wiseman. He held that certain doctrines present to us an unseemly appearance because we stand outside the Papal Church, even as the most beautiful window of stained glass in a church offers to those without only a confused congeries of paint and colors, while it is, to an eye viewing it from within, all glory and all beauty. But what does this amount to? It is simply to say that when we look at the object in the free air and full light of day which God has given us, its structure is repulsive and its arrangement chaotic; but if we will part with a great portion of that light, by passing within the walls of a building made by the hand of man, then, indeed, it will be better able to bear our scrutiny. It is an ill recommendation of a commodity to point out that it looks the best where the light is scantiest.

VII. WARRANT OF ALLEGIANCE ACCORDING TO THE VATICAN.

1. *Its alleged Superiority.*
2. *Its real Flaws.*
3. *Alleged Non-interference of the Popes for Two Hundred Years.*

NOT satisfied with claiming to give guarantees for allegiance equal to those of their fellow-citizens, the champions of the Vatican have boldly taken a position in advance. They hold that they are in a condition to offer better warranty than ours, and this because they are guided by an infallible Pope, instead of an erratic private judgment, and because the Pope himself is exceedingly emphatic, even in the Syllabus, on the duties of subjects toward their rulers. Finally, all this is backed and riveted by an appeal to conduct. "The life and conduct of the Church for eighteen centuries are an ample guarantee for her love of peace and justice."[3] I would rather not discuss this "ample guarantee." Perhaps the Bishop's appeal might shake one who believed: I am certain it would not quiet one who doubted.

The inculcation of civil obedience under the sanction of religion is, so far as I am aware, the principle and practice of all Christian communities. We must therefore look a little farther into the matter in order to detect the distinctive character in this respect of the Vatican.

Unquestionably the Pope, and all Popes, are full and emphatic on the duties of subjects to rulers; but of what subjects to what rulers? It is the Church of England which has ever been the extravagantly loyal Church; I mean which has in other days exaggerated the doctrine of civil obedience, and made it an instrument of much political mischief. Passive obedience, non-resistance, and Divine right, with all of good or evil they involve, were specifically her ideas. In the theology now dominant in the Church of Rome, the theology which has so long had its nest in the Roman Court, these ideas prevail, but with a rider to them: obedience is to be given, Divine right is to belong, to those Princes and Governments which adopt the views of Rome or which promote her interests: to those Princes and Governments which do right, Rome being the measure of right. I have no doubt that many outside the charmed circle praise in perfect good faith the superior bouquet and body of the wine of Roman Catholic loyalty. But those within, can they make such assertions? It is hard to believe it. The great art, nowhere else so well understood or so largely practiced, is, in these matters, to seem to assert without asserting. This has been well known at least for near five centuries, since the time of Gerson, whose name for Vaticanism is *Adulatio. Sentiens autem Adulatio quandoque nimis se cognosci, studet quasi modiciore sermone depressius uti, ut credibilior appareat.*[4] I must say that if Vaticanists have on this occasion paraded the superior quality of the article they vend as loyalty, they have also supplied us with the means of testing the assertion; because one and all of them assert the corrective power of the Pope over Christian Sovereigns and Governments. I do not dispute that their commodity is good, in this country, for every-day tear and wear. But as to its ultimate groundwork and principle, on which in other places and other circumstances it might fall back, of this I will now cite a description from one of the very highest authorities: from an epistle of a most able and conspicuous great Pontiff, to whom reference has already been made—Nicholas the First.

When that Pontiff was prosecuting with iron will the cause against the divorce of Lothair from Theutberga, he was opposed by some Bishops within the dominions of the Emperor. Adventitius, Bishop of Metz, pleaded the duty of obeying his sovereign. Nicholas in reply described his view of that matter in a passage truly classical, which I translate from the Latin, as it is given in Baronius.

> "You allege that you subject yourself to Kings and Princes, because the Apostle says 'Whether to the king, as in authority.' Well and good. Examine, however, whether the Kings and Princes, to whom you say that you submit, are truly Kings and Princes. Examine whether they govern well, first themselves, then the people under them. For if one be evil to himself, how shall he be good to others? Examine whether they conduct themselves rightly as Princes; for otherwise they are rather to be deemed tyrants than taken for Kings, and we should resist them and mount up against them, rather than be under them. Otherwise, if we submit to such, and do not put ourselves over them, we must of necessity encourage them in their vices. Therefore be subject 'to the King, as in authority, in his virtues that is to say, not his faults; as the Apostle says, for the sake of God, not against God.'"[1]

I cite the passage, not to pass a censure in the case, but for its straightforward exposition of the doctrine, now openly and widely preferred, though not so lucidly expounded, by the teaching body of the Romish Church. Plainly enough, in point of right, the title of the temporal Sovereign is valid or null according to the view which may be taken by the Pope of the nature of his conduct. "No just prince," says Archbishop Manning, can be deposed by any power on earth; but whether a prince is just or not is a matter for the Pope to judge of.[2]

We are told, indeed, that it is not now the custom for the Pope to depose princes: not even Victor Emanuel.[3] True: he does no more than exhort the crowds who wait upon him in the Vatican to seek for the restoration of those Italian sovereigns whom the people have driven out. But no man is entitled to take credit for not doing that which he has no power to do. And one of the many irregularities in the mode of argument pursued by Vaticanism is that such credit is constantly taken for not attempting the impossible. It is as if Louis XVI., when a prisoner in the Temple, had vaunted his own clemency in not putting the head of Robespierre under the guillotine.

But there are other kinds of interference and aggression, just as intolerable in principle as the exercise, or pretended exercise, of the deposing power. Have they been given up? We shall presently see.[4]

2. *Its real Flaws.*

Cooks and controversialists seem to have this in common, that they nicely appreciate the standard of knowledge in those whose appetites they supply. The cook is tempted to send up ill-dressed dishes to masters who have slight skill in or care for cookery; and the controversialist occasionally shows his contempt for the intelligence of his readers by the quality of the arguments or statements which he presents for their acceptance. But this, if it is to be done with safety, should be done in measure; and I must protest that Vaticanism really went beyond all measure when it was bold enough to contend that its claims in respect to the civil power are the same as those which are made by the Christian communions generally of modern times. The sole difference, we are told, is that in one case the Pope, in the other the individual, determines the instances when obedience is to be refused; and as the Pope is much wiser than the individual, the difference in the Roman view is all in favor of the order of civil society.

The reader will, I hope, pay close attention to this portion of the subject. The whole argument greatly depends upon it. Before repealing the penal laws, before granting political equality, the statesmen of this country certainly took a very different view. They thought the Roman Catholic, as an individual citizen, was trustworthy. They were not afraid of relying even upon the local Church. What they were anxious to ascertain, and what, as far as men can through language learn the thought and heart of man, they did ascertain, was this: whether the Roman Catholic citizen, and whether the local Church, were free to act, or were subjected to an extraneous authority. This superior wisdom of the Pope of Rome was the very thing of which they had had ample experience in the Middle Ages; which our Princes and Parliaments, long before the reign of Henry VIII. and the birth of Anne Boleyn, had wrought hard to control, and which the Bishops of the sixteenth century, including Tunstal and Stokesley, Gardiner and Bonner, used their best learning to exclude. Those who in 1875 propound the doctrine which no single century of the Middle Ages would have admitted, must indeed have a mean opinion of any intellects which their language could cajole.

As a rule, the real independence of States and nations depends upon the exclusion of foreign influence proper from their civil affairs. Wherever the spirit of freedom, even if ever so faintly, breathes, it resents and reacts against any intrusion of another people or Power into the circle of its interior concerns, as alike dangerous and disgraceful. As water finds its level, so, in a certain tolerable manner, the various social forces of a country, if left to themselves, settle down into equilibrium. In the normal posture of things the State ought to control, and can control, its subjects sufficiently for civil order and peace; and the normal is also the ordinary case, in this respect, through the various countries of the civilized world. But the essential condition of this ability, on which all depends, is that the forces which the State is to govern shall be forces having their seat within its own territorial limits. The power of the State is essentially a local power.

But the *Triregno* of the Pope, figured by the Tiara, touches heaven, earth, and the place of the departed. We now deal only with the earthly province. As against the local sway of the State, the power of the Pope is ubiquitous, and the whole of it can be applied at any point within the dominions of any State, although the far larger part of it does not arise within its borders, but constitutes, in the strictest sense, a foreign force. The very first condition of State rule is thus vitally compromised.

The power with which the State has thus to deal is one dwelling beyond its limits, and yet beyond the reach of its arm. All the subjects of the State are responsible to the State: they must obey, or they must take the consequences. But for the Pope there are no consequences: he is not responsible.

But it may be said, and it is true, that the State will not be much the better for the power it possesses of sending all its subjects to prison for disobedience. And here we come upon the next disagreeable distinction in the case of the Roman Church. She alone arrogates to herself the right to speak to the State, not as a subject, but as a superior; not as pleading the right of a conscience staggered by the fear of sin, but as a vast Incorporation, setting up a rival law against the State in the State's own domain, and claiming for it, with a higher sanction, the title to similar coercive means of enforcement.

No doubt mere submission to consequences is for the State an inadequate compensation for the mischief of disobedience. The State has duties which are essential to its existence, and which require active instruments. Passive resistance, widely enough extended, would become general anarchy. With the varying and uncombined influences of individual judgment and conscience the State can safely take its chance. But here is a Power that claims authority to order the millions, and to rule the rulers of the millions, whenever, in its judgment, those rulers may do wrong.

The first distinction, then, is that the Pope is himself foreign and not responsible to the law; the second, that the larger part of his power is derived from foreign sources; the third, that he claims to act, and acts, not by individuals, but on masses; the fourth, that he claims to teach them, so often as he pleases, what to do at each point of their contact with the laws of their country.

Even all this might be borne, and might be comparatively harmless but for that at which I have already glanced. He alone of all ecclesiastical powers presumes not only to limit the domain of the State, but to meet the State in its own domain. The Presbyterian Church of Scotland showed a resolution never exceeded, before the secession of 1843, in resisting the civil power; but it offered the resistance of submission. It spoke for the body and its ministers in things concerning it, but did not presume to command the private conscience. Its modest language would be far from filling the *os rotundum* of a Roman Pontiff. Nay, the words of the Apostle do not suffice for him. St. Peter himself was not nearly so great as his Successor. He was content with the modest excuse of the individual: "We ought to obey God rather than man."[1] Rome has improved upon St. Peter: "Your laws and ordinances we proscribe and condemn, and declare them to be absolutely, both hereafter and from the first, null, void, and of no effect." That is to say, the Pope takes into his own hand the power which he thinks the State to have misused. Not merely does he aid or direct the conscience of those who object, but he even overrules the conscience of those who approve. Above all, he pretends to annul the law itself.

Such is the fifth point of essential distinction between these monstrous claims and the modest, though in their proper place invincible, exigencies of the private conscience. But one void still remains unfilled, one plea not yet unmasked. Shall it be said, this is all true, but it is all spiritual, and therefore harmless? An idle answer at the best, for the origin of spiritual power is and ought to be a real one, and ought not therefore to be used against the civil order; but worse than idle, because totally untrue, inasmuch as we are now told in the plainest terms (negatively in the Syllabus, affirmatively in Schrader's approved conversion of it)[2] that the Church is invested with a temporal power direct and indirect, and has authority to employ external coercion.

Am I not right in saying that, after all this, to teach the identity of the claims of Vaticanism with those of other forms of Christianity in the great and grave case of conscience against the civil power is simply to manifest a too thinly veiled contempt for the understanding of the British community, for whose palate and digestion such diet has been offered?

The exact state of the case, as I believe, is this. The right to override all the States of the world and to cancel their acts, within limits assignable from time to time to, but not by, those States, and the title to do battle with them, as soon as it may be practicable and expedient, with their own proper weapon and last sanction of exterior force, has been sedulously brought more and more into view of late years. The centre of the operation has lain in the Society of Jesuits: I am loath to call them by the sacred name, which ought never to be placed in the painful associations of controversy. In 1870 the fullness of time was come. The *matter* of the things to be believed and obeyed had been sufficiently developed. But inasmuch as great masses of the Roman Catholic body before that time refused either to believe or to obey, in that year

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[1] Essays, etc. Edited by Archbishop Manning. London.

[2] Archbishop Manning, "Vatican Decrees," pp. 49-51.

[3] "Pastoral Letter," pp. 33, 34.

[4] See "The Month," Jan., 1875, pp. 82-4. "Monk of St. Augustine's," 27 *seq.* Rev. J. Curry's "Disquisition," pp. 35, 41. Lord R. Montagu, "Expostulation in extremis," p. 51.

[5] Cardinal Soglia, as cited by Dr. Newman, pp. 89, 90.

[6] "Vatican Decrees," p. 43.

[7] Martin, S. J., "De Matrimonio, Notiones Prævię," cl.

[8] "Pastoral Letter," p. 13.

[9] See Appendix H.

[10] Archbishop Manning, p. 62, n.

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[1] "Corpus Juris Canonici Decret. Greg. IX.," II. I. 13. I cite from Richter's ed. (Leipsic, 1839). It has all the pretensions of a critical and careful edition. I do not, however, presume to determine the textual question.

[2] Schrader, as above, p. 64.

[3] Bishop Vaughan, p. 28.

[4] "De Potest. Eccl.," Consideratio XII. Works, ii. 246. Ed. Hague, 1728.

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[1] Baronius, A.D. 863, c. lxx.

[2] Archbishop Manning, p. 46.

[3] Bishop Vaughan, "Pastoral," p. 34.

[4] Infra, p. 88.

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[1] Acts, v. 29.

[2] Schrader, as above, p. 64.

the bold stroke was struck, and it was decided to bring mischievous abstractions if possible into the order of still more mischievous realities. The infallible, that is, virtually the Divine, title to command, and the absolute, that is, the unconditional, duty to obey, were promulgated to an astonished world.

3. *Alleged Non-interference of the Popes for Two Hundred Years.*

It has been alleged on this occasion by a British Peer, who I have no doubt has been cruelly misinformed, that the Popes have not invaded the province of the civil power during the last two hundred years.

I will not travel over so long a period, but am content even with the last twenty.

1. In his Allocution of the 22d of January, 1855, Pius IX. declared to be absolutely null and void all acts of the Government of Piedmont which he held to be in prejudice of the rights of Religion, the Church, and the Roman See, and particularly a law proposed for the suppression of the monastic orders as moral entities, that is to say, as civil corporations.

2. On the 26th of July, in the same year, Pius IX. sent forth another Allocution, in which he recited various acts of the Government of Spain, including the establishment of toleration for non-Roman worship, and the secularization of ecclesiastical property; and, by his own Apostolical authority, he declared all the laws hereto relating to be abrogated, totally null, and of no effect.

3. On the 22d of June, 1862, in another Allocution, Pius IX. recited the provisions of an Austrian law of the previous December, which established freedom of opinion, of the press, of belief, of conscience, of science, of education, and of religious profession, and which regulated matrimonial jurisdiction and other matters. The whole of these "abominable" laws "have been and shall be totally void, and without all force whatsoever."

In all these cases reference is made, in general terms, to Concordats, of which the Pope alleges the violation; but he never bases his annulment of the laws upon this allegation. And Schrader, in his work on the Syllabus, founds the cancellation of the Spanish law, in the matter of toleration, not on the Concordat, but on the original inherent right of the Pope to enforce the 77th Article of the Syllabus, respecting the exclusive establishment of the Roman religion.[1]

To provide, however, against all attempts to take refuge in this specialty, I will now give instances where no question of Concordat enters at all into the case.

1. In an Allocution of July 27, 1855, when the law for the suppression of monastic orders and appropriation of their properties had been passed in the kingdom of Sardinia, on the simple ground of his Apostolic authority, the Pope annuls this law, and all other laws injurious to the Church, and excommunicates all who had a hand in them.

2. In an Allocution of December 15, 1856, the Pope recites the interruption of negotiations for a Concordat with Mexico, and the various acts of that Government against religion, such as the abolition of the ecclesiastical *forum*, the secularization of Church property, and the civil permission to members of monastic establishments to withdraw from them. All of these laws are declared absolutely null and void.

3. On the 17th of September, 1863, in an Encyclical Letter the Pope enumerates like proceedings on the part of the Government of New Granada. Among the wrongs committed, we find the establishment of freedom of worship (*cujusque acatholici cultûs libertas sancita*). These and all other acts against the Church, utterly unjust and impious, the Pope, by his Apostolic authority, declares to be wholly null and void in the future and in the past.[2]

No more, I hope, will be heard of the allegation that for two hundred years the Popes have not attempted to interfere with the Civil Powers of the world.

But if it be requisite to carry proof a step farther, this may readily be done. In his "Petri Privilegium," iii. 19, n., Archbishop Manning quotes the Bull *In Cœnâ Domini* as if it were still in force. Bishop Clifford, in his Pastoral Letter (p. 9), laid it down that though all human actions were moral actions, there were many of them which belonged to the temporal power, and with which the Pope could not interfere. Among these he mentioned the assessment and payment of taxes. But is it not the fact that this Bull excommunicates "all who impose new taxes, not already provided for by law, without the Pope's leave?" and all who impose, without the said leave, special and express, any taxes, new or old, upon clergymen, churches, or monasteries?[3]

I may be told that Archbishop Manning is not a safe authority in these matters, that the Bull *In Cœnâ Domini* was withdrawn after the assembling of the Council, and the constitution *Apostolicæ Sedis*[4] substituted for it, in which this reference to taxes is omitted. But if this be so, is it not an astonishing fact, with reference to the spirit of Curialism, that down to the year 1870 these preposterous claims of aggression should have been upheld and from time to time proclaimed? Indeed the new Constitution itself, dated October, 1869, the latest specimen of reform and concession, without making any reservation whatever on behalf of the laws of the several countries, excommunicates (among others)—

1. All who imprison or prosecute (*hostiliter insequentes*) Archbishops or Bishops.

2. All who directly or indirectly interfere with any ecclesiastical jurisdiction.

3. All who lay hold upon or sequester goods of ecclesiastics held in right of their churches or benefices.

4. All who impede or deter the officers of the Holy Office of the Inquisition in the execution of their duties.

5. All who secularize, or become owners of, Church property, without the permission of the Pope.

VIII. ON THE INTRINSIC NATURE AND CONDITIONS OF THE PAPAL INFALLIBILITY DECREED IN THE VATICAN COUNCIL.

I HAVE now, I think, dealt sufficiently, though at greater length than I could have wished, with the two allegations, first, that the Decrees of 1870 made no difference in the liabilities of Roman Catholics with regard to their civil allegiance; secondly, that the rules of their Church allow them to pay an allegiance no more divided than that of other citizens, and that the claims of Ultramontanism, as against the Civil Power, are the very same with those which are advanced by Christian communions and persons generally.

I had an unfeigned anxiety to avoid all discussion of the Decree of Infallibility on its own, the religious, ground; but as matters have gone so far, it may perhaps be allowed me now to say a few words upon the nature of the extraordinary tenet which the Bishops of one half the Christian world have now placed upon a level with the Apostles' Creed.

The name of Popery, which was formerly imposed *ad invidiam* by heated antagonists, and justly resented by Roman Catholics,[1] appears now to be perhaps the only name which describes, at once with point and with accuracy, the religion promulgated from the Vatican in 1870. The change made was immense. Bishop Thirlwall, one of the ablest English writers of our time, and one imbued almost beyond any other with what the Germans eulogize as the historic mind, said in his Charge of 1872 that the promulgation of the new Dogma, which had occurred since his last meeting with his clergy, was "an event far more important than the great change in the balance of power which we have witnessed during the same interval."[2] The effect of it, described with literal rigor, was in the last resort to place the entire Christian religion in the breast of the Pope, and to suspend it on his will. This is a startling statement; but as it invites, so will it bear, examination. I put it forth not as rhetoric, sarcasm, or invective; but as fact, made good by history.

It is obvious to reply that if the Christian religion is in the heart of the Pope, so the law of England is in the heart of the Legislature. The case of the Pope and the case of the Legislature are the same in this—that neither of them is subject to any limitation whatever, except such as they shall themselves respectively allow. Here the resemblance begins and ends. The nation is ruled by a Legislature, of which by far the most powerful branch is freely chosen, from time to time, by the community itself, by the greater part of the heads of families in the country; and all the proceedings of its Parliament are not only carried on in the face of day, but made known from day to day, almost from hour to hour, in every town and village and almost in every household of the land. They are governed by rules framed to secure both ample time for consideration and the utmost freedom, or, it may be, even license, of debate; and all that is said and done is subjected to an immediate sharp and incessant criticism, with the assurance on the part of the critics that they will have not only favor from their friends, but impunity from their enemies. Erase every one of these propositions, and replace it by its contradictory: you will then have a perfect description of the present Government of the Roman Church. The ancient principles of popular election and control, for which room was found in the Apostolic Church under its inspired teachers, and which still subsist in the Christian East, have, by the constant aggressions of Curialism, been in the main effaced, or, where not effaced, reduced to the last stage of practical inanition. We see before us the Pope, the Bishops, the priesthood, and the people. The priests are absolute over the people; the Bishops over both; the Pope over all. Each inferior may appeal against his superior; but he appeals to a tribunal which is secret, which is irresponsible, which he has no share, direct or indirect, in constituting, and no means, however remote, of controlling, and which, during all the long centuries of its existence, but especially during the latest of them, has had for its cardinal rule this—that all its judgments should be given in the sense most calculated to build up priestly power as against the people, episcopal power as against the priests, Papal power as against all three. The mere utterances of the central See are laws, and they override at will all other laws; and if they concern faith or morals, or the discipline of the Church, they are entitled, from all persons without exception, singly or collectively, to an obedience without qualification. Over these utterances—in their preparation as well as after their issue—no man has lawful control. They may be the best or the worst, the most deliberate or the most precipitate: as no man can restrain, so no man has knowledge of, what is done or meditated. The prompters are unknown; the consultees are unknown; the procedure is unknown. Not that there are not officers and rules; but the officers may at will be overridden or superseded, and the rules at will, and without notice, altered *pro re natâ* and annulled. To secure rights has been, and is, the aim of the Christian civilization; to destroy them, and to establish the resistless, domineering action of a purely central power, is the aim of the Roman policy. Too much and too long, in other times, was this its tendency: but what was its besetting sin has now become, as far as man can make it, by the crowning triumph of 1870, its undisguised, unchecked rule of action and law of life.

These words, harsh as they may seem, and strange as they must sound, are not the incoherent imaginings of adverse partisanship. The best and greatest of the children of the Roman Church have seen occasion to use the like, with cause less grave than that which now exists, and have pointed to the lust of dominion as the source of these enormous mischiefs:

> "Di' oggimai, che la Chiesa di Roma
> Per confondere in se due reggimenti
> Cade nel fango, e se brutta, e la soma."[1]

Without doubt there is an answer to all this. Publicity, responsibility, restraint, and all the forms of warranty and safeguard are wanted for a human institution, but are inapplicable to a "Divine teacher," to an inspired Pontiff, to a "living Christ." The promises of God are sure, and fail not. His promise has been given, and Peter in his Successor shall never fail, never go astray. He needs neither check nor aid, as he will find them for himself. He is an exception to all the rules which determine human action; and his action in this matter is not really human, but Divine. Having, then, the Divine gift of inerrancy, why may he not be invested with the title, and assume the Divine attribute, of omnipotence?

No one can deny that the answer is sufficient, if only it be true. But the weight of such a superstructure requires a firm, broad, well-ascertained foundation. If it can be shown to exist, so far so good. In the due use of the gift of reason with which our nature is endowed, we may look for a blessing from God; but the abandonment of reason is credulity, and the habit of credulity is presumption.

Is there, then, such a foundation disclosed to us by Dr. Newman[2] when he says "the long history of the contest for and against the Pope's infallibility has been but a growing insight through centuries into the meaning of three texts." First, "Feed my sheep" (John, xxi. 15–17); of which Archbishop Kenrick tells us that the very words are disputed, and the meaning forced.[3] Next, "Strengthen thy brethren;" which has no reference whatever to doctrine, but only, if its force extend beyond the immediate occasion, to government; and finally, "Thou art Peter, and on this rock I will build my Church;" when it is notorious that the large majority of the early expositors declare the rock to be not the person, but the previous confession, of Saint Peter; and where it is plain that, if his person be really meant, there is no distinction of *ex cathedrâ* and not *ex cathedrâ*, but the entire proceedings of his ministry are included without distinction.

Into three texts, then, it seems the Church of Rome has at length, in the course of centuries, acquired this deep insight. In the study of these three fragments how much else has she forgotten: the total ignorance of St. Peter himself respecting his "monarchy;" the exercise of the defining office not by him, but by St. James, in the Council of Jerusalem; the world-wide commission specially and directly given to St. Paul; the correction of St. Peter by the Apostle of the Gentiles; the independent action of all the Apostles; the twelve foundations of the New Jerusalem, "And in them the names of the twelve Apostles of the Lamb" (Rev., xxi. 14). But let us take a wider ground. Is it not the function of the Church to study the Divine Word as a whole, and to gather into the foci of her teaching the rays that proceed from all its parts? Is not this narrow, sterile, willful textualism the favorite resort of sectaries, the general charter of all license and self-will that lays waste the garden of the Lord? Is it not this that destroys the largeness and fair proportions of the Truth, squeezing here and stretching there, substituting for the reverent jealousy of a faithful guardianship the ambitious aims of a class, and gradually forcing the heavenly pattern into harder and still harder forms of distortion and caricature?

However, it must be observed that the transcendental answer we have been considering, which sets at naught all the analogies of God's Providence in the government of the world, is the only answer of a breadth equal to the case. Other replies, which have been attempted, are perfectly hollow and unreal. For instance, we are told that the Pope can not alter the already defined doctrines of the Faith. To this I reply, let him alter them as he will, if only he thinks fit to say that he does not alter them, his followers are perfectly and absolutely helpless. For if they allege alteration and innovation, the very same language will be available against them which has been used against the men that have had faith and courage given them to protest against alteration and innovation now. "Most impious are you in charging on us that which, as you know, we can not do. We have not altered; we have only defined. What the Church believed implicitly heretofore, she believes implicitly hereafter. Do not appeal to reason; that is rationalism. Do not appeal to Scripture; that is heresy. Do not appeal to history; that is private judgment. Over all these things I am judge, not you. If you tell me that I require you to affirm to-day, under anathema, what yesterday you were allowed or encouraged to deny, my answer is that in and by me alone you have any means of knowing what it is you affirm or what it is you deny." This is the strain which is consistently held by the bold trumpeters of Vaticanism, and which has been effectual to intimidate the feeble-minded and faint-hearted, who seem to have formed at the Council of the Vatican so large a proportion of its opponents, nay, which has convinced them, or has performed in them the inscrutable process, be it what it may, which is the Roman substitute for conviction, that what in the Council itself they denounced as breach of faith, after the Council they are permitted, nay, bound, to embrace, nay, to enforce.

Let me now refer to another of these fantastic replies.

We are told it would be an entire mistake to confound this Infallibility of the Pope, in the province assigned to it, with absolutism:

> "The Pope is bound by the moral and divine law, by the commandments of God, by the rules of the Gospel, and by every definition in faith and morals that the Church has ever made. No man is more bound by law than the Pope—a fact plainly known to himself and to every bishop and priest in Christendom."[1]

Every definition in faith and morals! These are written definitions. What are they but another Scripture? What right of interpreting this other Scripture is granted to the Church at large more than of the real and greater Scripture? Here is surely in its perfection the petition for bread answered by the gift of a stone.

Bishop Vaughan does not venture to assert that the Pope is bound by the canon law, the written law of the Church of Rome. The abolition of the French Sees under the Concordat with Napoleon, and the deposition of their legitimate Bishops, even if it were the only instance, has settled that question forever. Over the written law of his Church the pleasure of the Pope is supreme. And this justifies, for every practical purpose, the assertion that law no longer exists in that Church, in the same very real sense as we should say there was no law in England in the reign of James the Second, while it was subject to a dispensing power. There exists no law wherever a living ruler, an executive head, claims and exercises, and is allowed to possess, a power of annulling or a power of dispensing with the law. If Bishop Vaughan does not know this, I am sorry to say he does not know the first lesson that every English citizen should learn; he has yet to pass through the lispings of civil childhood. This exemption of the individual, be he who he may, from the restraints of the law is the very thing that in England we term absolutism. By absolutism we mean the superiority of a personal will to law, for the purpose of putting aside or changing law. Now that power is precisely what the Pope possesses. First, because he is infallible in faith and morals, when he speaks *ex cathedrâ*, and he himself is the final judge which of his utterances shall be utterances *ex cathedrâ*. He has only to use the words, "I, *ex catherdrâ*, declare," or the words, "I, in the discharge of the office of pastor and teacher of all Christians, by virtue of my supreme Apostolic authority, define as a doctrine regarding faith or morals, to be held by the Universal Church;"[2] and all words that may follow, be they what they may, must now and hereafter be as absolutely accepted by every Roman Catholic who takes the Vatican for his teacher, with what in their theological language they call a Divine faith, as must any article of the Apostles' Creed. And what words they are to be that may follow, the Pope by his own will and motion is the sole judge.

It is futile to say the Pope has the Jesuits and other admirable advisers near him, whom he will always consult. I am bound to add that I am skeptical as to the excellence of these advisers. These are the men who cherish, methodize, transmit, and exaggerate all the dangerous traditions of the Curia. In them it lives. The ambition and self-seeking of the Court of Rome have here their root. They seem to supply that Roman *malaria* which Dr. Newman[3] tells us encircles the base of the rock of St. Peter. But the question is not what the Pope will do; it is what he can do, what he has power to do; whether, in Bishop Vaughan's language, he is bound by law; not whether he is so wise and so well-advised that it is perfectly safe to leave him not bound by law. On this latter question there may be a great conflict of opinions; but it is not the question before us.

It can not be pleaded against him, were it ever so clear, that his declaration is contrary to the declaration of some other Popes. For here, as in the case of the Christian Creed, he may tell you—always speaking in the manner supposed—that that other Pope was not speaking *ex cathedrâ*. Or he may tell you that there is no contrariety. If you have read, if you have studied, if you have seen, if you have humbly used every means of getting to the truth, and you return to your point that *contrariety there is*, again his answer is ready: That assertion of yours is simply your private judgment; and your private judgment is just what my infallibility is meant and appointed to put down. My word is the tradition of the Church. It is the nod of Zeus: it is the judgment of the Eternal. There is no escaping it, and no disguising it: the whole Christian religion, according to the modern Church of Rome, is in the breast of one man. The will and arbitrament of one man will for the future decide, through half the Christian world, what religion is to be. It is unnecessary

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[1] Schrader, p. 80.

[2] All these citations, down to 1865, will be found in "Recueil des Allocutions Consistoriales," etc. (Paris, 1865, Adrien Leclerc et Cie). See also "Europäische Geschichtskalender," 1868, p. 249; Von Schulte, "Powers of the Roman Popes," iv. 48; Schrader, as above, Heft ii. p. 80; Vering, "Katholisches Kirchenrecht" (Mainz, 1868), Band xx. pp. 170, 1, N. F. Band xiv.

[3] O'Keefe, "Ultramontanism," pp. 215, 219. The reference is to sections v. xviii.

[4] See Quirinus, p. 105; and see "Constit. Apostolicæ Sedis" in Friedberg's "Acta et Decreta Conc. Vat.," p. 77 (Friburg, 1871).

[1] "Petri Privilegium," Part ii. pp. 71–91.

[2] "Charge of the Bishop of St. David's," 1872, p. 2.

[1] Dante, "Purgatorio," xvi. 127–9.

> "The Church of Rome,
> Mixing two governments that ill assort,
> Hath missed her footing, fallen into the mire,
> And there herself and burden much defiled."—*Cary.*

[2] Dr. Newman, p. 110.

[3] "Concio habendu at non habitu," i. ii. Friedrich, "Documenta ad illustrandum, Conc. Vat. Abth.," i. pp. 191, 199. I leave it to those better entitled and better qualified to criticise the purely arbitrary construction attached to the words.

[1] Bishop Vaughan's "Pastoral Letter," p. 30.

[2] "Vatican Decrees," chap. iii.

[3] Dr. Newman, p. 94.